

K

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the Board authorize acceptance and expenditure of funds in the amount of \$258,587 for 2004 CIP 210704 Public Health Preparedness Program, and for such purpose a resolution and budget authorization has been submitted.

(Unanimous vote)

Respectfully submitted,



Clerk of Committee

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the Board authorize transfer and expenditure of funds in the amount of \$500,000 for FY2004 CIP 612504 Old Wellington Road Apartments Projects, and for such purpose a resolution and budget authorization has been submitted.

(Unanimous vote)

Respectfully submitted,



Clerk of Committee

M

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the Board authorize acceptance and expenditure of funds in the amount of \$27,207.67 for FY2006 CIP 411606 2005 Homeland Security Grant Program, and for such purpose a resolution and budget authorization has been submitted.

(Unanimous vote)

Respectfully submitted,



Clerk of Committee

N

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the Board authorize transfer and expenditure of funds in the amount of \$10,000 from FY2005 CIP 710205 Public Works Infrastructure to FY2005 CIP 510005 Park Facilities Improvement Program, and for such purpose resolutions and budget authorizations have been submitted.

(Unanimous vote)

Respectfully submitted,



Clerk of Committee

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To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that requests for sewer abatements as follows be granted and approved as recommended by the Environmental Protection Division:

- 836-840 Candia Road in the amount of \$1,393.96
- 42 Stearns Street in the amount of \$497.55
- 229-233 Wilson Street in the amount of \$370.45

(Unanimous vote)

Respectfully submitted,

Paul Bernier

Clerk of Committee



**City Of Manchester
Department of Highways
Environmental Protection Division**

300 Winston Street
Manchester, New Hampshire 03103-6826
(603) 624-6595 Fax (603) 628-6234

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

Memo

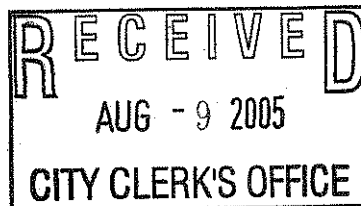
To: Paula L-Kang #05-196
From: Thomas W. Seigle, P.E. T.S.
Date: 08/08/05
Re: Sewer Abatement Request for
Joseph Titone
836 – 840 Candia Rd

In accordance with the attached memo from Lisa Hynes, it is recommended that an abatement in the amount of \$1,393.96 be granted.

/djv

Attach

cc June George – EPD
Lisa Hynes – EPD



836-840 Candia Realty, LLC
836 Candia Road
Manchester, NH 03109

July 1, 2005

Board of Mayor and Aldermen
One City Hall Plaza
Manchester, NH 03101

Re: Request for Sewer Charge Abatement
EPD Sewer Bill, June 14, 2005
Account No. 135613-28298

Dear Sirs,

The purpose of this letter is to request a sewer charge abatement for EPD bill dated June 14, 2005. This bill came to us in the amount of \$1785.15 with a consumption of 1,113. This is considerably higher than our normal consumption and was due to a water line break which started at the end of December 2004. We are requesting an abatement of \$1,393.96, which is the bill of \$1785.15 - \$391.19 (estimated consumption - detailed below).

Service Period	Days	Meter Begin	Meter End	Usage	Avg. Use/Day
6/28/04-9/29/04	93	3809	4003	194	2.09
9/29/04-12/27/04	<u>89</u>	2469	2760	<u>291</u>	<u>3.27</u>
	182			485	2.67

12/27/04-3/28/05	91	2760	3873	1113	12.23
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Bill Total \$1785.15 / 1113 = \$1.61/CF

Estimated Consumption = 91(days) x 2.67(avg. use/day 6/28/04-12/27/04) = 242.97 x \$1.61 = 391.19

We feel this abatement should be considered due to the water line break, as the water accumulated in the ground, not through the sewer system.

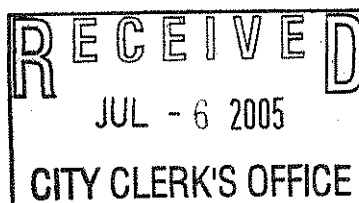
I have included a copy of a letter from Manchester Water Works Dated December 30, 2004. Following the letter Jeff Robinson from Manchester Water Works came to inspect the site and found no leaks in the fixtures, during the 1 ½ (one and a half) hours that he was here he determined that a substantial amount of water had passed through the meter without any fixtures being turned on. Further investigation revealed that a pipe fed into the ground for a possible retired sprinkler system was releasing water a high rate, this pipe was not serving the building and was not entering the sewer system. The water to this pipe was shut off at this point.

If you have any questions or require further information, please do not hesitate to contact me. I can be reached at these numbers (603) 669-6565 or by cell: (978) 397-2231.

Thank you for your attention to this matter,
Sincerely,

Joseph T. Tione
Owner

/enclosure





**City Of Manchester
Department of Highways
Environmental Protection Division**

300 Winston Street
Manchester, New Hampshire 03103-6826
(603) 624-6595 Fax (603) 628-6234

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

Memo

To: Paula L-Kang
From: Thomas W. Seigle, P.E. *T.S.*
Date: 08/08/05
Re: Sewer Abatement Request for
Wendy Zenor
42 Stearns St.

#05-197

The attached abatement request was submitted in January, 2005. At that time we recommended that the request be deferred until spring when additional information could be obtained.

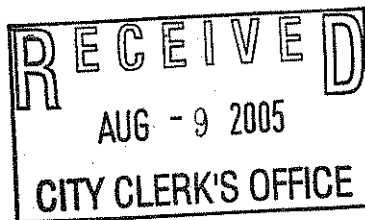
Subsequently, the property owner has submitted additional information to verify this claim. Accordingly, an abatement of \$497.55 is recommended.

I have attached backup correspondence regarding the request for your information.

/djv

Attach

cc Lisa Hynes – EPD
June George – EPD



0

Wendy Zenor

42 Stearns Street
Manchester, NH 03102
603-493-7538

January 11, 2005

Dear Friend,

On the 1st of December 2004 it was brought to my attention by the City of Manchester water works, that my water usage had been extremely high, during Aug, Sept, Oct 2004.

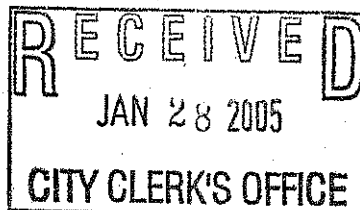
The Manchester water works company inspected my home and found no leaks or water damage. We are sure that the irrigation system in the back yard was leaking, as stated by the Manchester Water Works. Because the system has been off since mid August it will be spring before it will be able to be fixed.

We believe the additional amount of water did not pass through the sewer system, but dissipated into the ground. As you can see from the copy of our water usage over the past 10 years we are very consistent on our usage. Were as the house is leak free we are sure that the extra water went into the ground.

We are requesting at this time an adjustment to the huge EPD bill. I would be happy to pay the highest chare for that period \$99.35 plus any penalties you feel appropriate. Be sure the system will be repaired in the spring and you will not have to repeat this action again.

Sincerely,

Wendy Zenor
Wendy Zenor





**City Of Manchester
Department of Highways
Environmental Protection Division**

300 Winston Street
Manchester, New Hampshire 03103-6826
(603) 624-6595 Fax (603) 628-6234

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

Memo

To: Paula L-Kang
From: Thomas W. Seigle, P.E. *T. Seigle*
Date: 06/28/05
Re: Sewer Abatement Request for
Priscilla Lane
229-233 Wilson St.

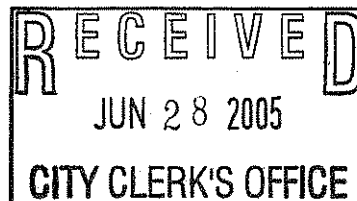
#05-165

Review of the referenced request by EPD personnel indicates that pipes did burst in the basement and that the water did not go into a floor drain. Therefore, it is recommended that an abatement be granted in the amount of \$370.45. The average usage for the past three years for the same quarter was 87 ccf. Usage for the referenced period was 326 ccf, an increase of 239 ccf. $(326 \text{ ccf} - 87 \text{ ccf} = 239 \text{ ccf} \times \$1.55/\text{ccf} = \$370.45)$.

/djv

Attach

cc June George – EPD
Lisa Hynes – EPD



P. Lane & Son Realty, LLC
Property Management, Acquisitions, Rentals

planerealty@aol.com

603 - 289 - 0308

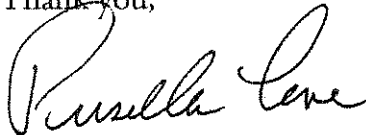
Board of Mayor and Aldermen
One City Hall Plaza
Manchester, NH 03101

April 14, 2005

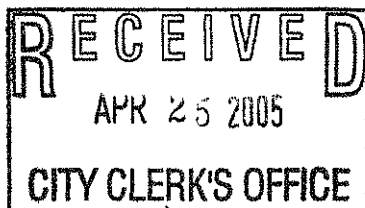
To Whom it may concern,

I am requesting a sewer charge abatement for 229,231,233 Wilson Street (all one property) account # 136287-67192. The billing period is for 10/04/04-1/04/05, cycle 06-06. The average bill is around \$350 so we are looking for a refund of \$200. We had pipes burst in the basement over the winter which is the reason for the increase in water usage. The floor in the basement is concrete. Thank you for your attention to this matter.

Thank you,



Priscilla Lane
Property Manager/Owner



P

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully advises, after due and careful consideration, that they have authorized the Police Department to submit a letter of intent for a \$137,378 grant to conduct a weapons of mass destruction exercise at the Manchester Airport during the spring of 2006.

(Unanimous vote)

Respectfully submitted,



Clerk of Committee

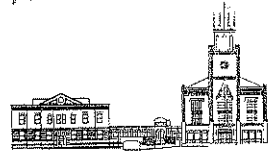


Robert S. MacKenzie, AICP
Director

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

Memo to: Members of the Committee on Community Improvement Program

From: Robert S. MacKenzie *sm & RSM*
Director of Planning

Date: September 13, 2005

Subject: Police Department – FY2003 State Homeland Security Exercise and Evaluation Program

The Police Department is seeking the Board's approval to submit a letter of intent to participate in the NH Department of Safety Division of Fire Safety and Emergency Management FY 2003 State Homeland Security Exercise and Evaluation Program. The Department is seeking a \$137,378 grant to conduct a weapons of mass destruction exercise at the Manchester Airport during the Spring of 2006.

The Committee's review of this matter and a recommendation for approval to the full Board is respectfully requested..

Q

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully advises, after due and careful consideration, that it has approved a request from Bruce Thomas of the Highway Department to complete work on two projects (Greek Church Driveway and President Road #185) as part of the City's Chronic Drain Program.

(Unanimous vote)

Respectfully submitted,



Clerk of Committee



**City of Manchester
Department of Highways**

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Commission

Edward J. Beleski
- Chairman
Henry R. Bourgeois
William F. Kelley
Michael W. Lowry
William A. Varkas

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

July 27, 2005

C.I.P. Committee of the
Honorable Board of Mayor and Aldermen
C/O Mr. Leo Bernier
CITY CLERKS OFFICE
One City Hall Plaza
Manchester, New Hampshire 03103

Re: Request to Approve Chronic Drain Projects

Gentlemen:

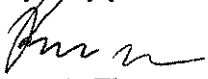
The Manchester Highway Department hereby requests your approval to complete work on the following projects as part of the City's Chronic Drain program:

Project:	Estimated Cost:
Greek Church Driveway	\$1,800
President Road #185	\$1,700
Total:	\$3,500

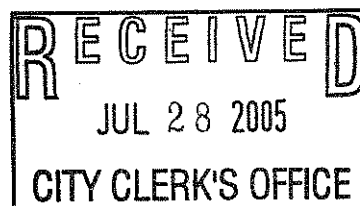
The total materials cost of the proposed work is approximately \$3,500. We have the funds to complete this work. For your use, I have attached an estimates and sketches of each project.

If you have any questions or comments or if I can be of further assistance, please do not hesitate to call.

Very truly yours,


Bruce A. Thomas
Engineering Manager

c/Frank C. Thomas, P.E.
Kevin A. Sheppard, P.E.
Samuel Maranto
Alderman Michael Garrity
Alderman Paul Porter
Alderman Dan O'Neil
Alderman Michael Lopez



Q

ESTIMATE
185 President Road Drain
BAT July 27, 2005

Project Description:

This project consists of the installation of a catch basin and 65 LF of pipe.

QUANTITY	UNITS	ITEMS	UNIT PRICE	TOTAL ITEM COST
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ROADWAY MATERIALS

5	TON	3/8" Wearing Course	\$30.00	\$152.00
10	TON	3/8" Base Course	\$30.00	\$304.00
73	TON	18" RAP Base	\$3.00	\$220.00

SUBTOTAL \$676.00

DRAINAGE MATERIALS:

1	EA	Type B Frames and Grates	\$105.06	\$105.06
1	EA	Round Slab Top 48"	\$80.00	\$80.00
5	VF	48" Dia. Riser	\$38.00	\$190.00
1	EA	48" Dia. Base	\$192.00	\$192.00
9	TON	3/4" Stone	\$7.00	\$61.57
9	TON	Sand Fill	\$1.95	\$18.53
38	LF	15" Dia. HDP Pipe	\$4.45	\$169.10

SUBTOTAL: \$816.26

MISCELLANEOUS MATERIALS:

1	CY	Loam (4")	\$10.50	\$10.50
0	CY	Ledge Removal	\$50.00	\$0.00

SUBTOTAL: \$10.50

ROADWAY MATERIALS:	\$676.00
DRAINAGE MATERIALS:	\$816.26
MISCELLANEOUS MATERIALS	\$10.50



SUBTOTAL (MATERIALS): \$1,502.76

ADD 15% (OF VALUE OF MATL.): \$225.41

TOTAL (MATERIALS AND SUBCONTRACTS): \$1,728.17

USE: \$1,750



DESIGNED BY: B.A.T.	 <p>CITY OF MANCHESTER DEPARTMENT OF HIGHWAYS ENGINEERING DIVISION 227 MAPLE STREET MANCHESTER, NEW HAMPSHIRE 03103</p>	<p>185 PRESIDENT ROAD DRAINAGE IMPROVEMENTS July 2005</p>	 NORTH
DRAWN BY: G.K.C.			
CHECKED BY: J.W.D.			<p>SCALE 1"=20'</p>
SUBMITTED BY: B.A.T.			

Q

ESTIMATE

Island Pond Road Drain at Greek Church

BAT

July 27, 2005

Project Description:

This project consists of the installation of a catch basin and 65 LF of pipe.

QUANTITY	UNITS	ITEMS	UNIT PRICE	TOTAL ITEM COST
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ROADWAY MATERIALS

4	TON	3/8" Wearing Course	\$30.00	\$114.00
8	TON	3/8" Base Course	\$30.00	\$228.00
55	TON	18" RAP Base	\$3.00	\$165.00

SUBTOTAL \$507.00**DRAINAGE MATERIALS:**

1	EA	Type B Frames and Grates	\$105.06	\$105.06
1	EA	Round Slab Top 48"	\$80.00	\$80.00
5	VF	48" Dia. Riser	\$38.00	\$190.00
1	EA	48" Dia. Base	\$192.00	\$192.00
15	TON	3/4" Stone	\$7.00	\$105.32
16	TON	Sand Fill	\$1.95	\$31.69
65	LF	15" Dia. HDP Pipe	\$4.45	\$289.25

SUBTOTAL: \$993.32**MISCELLANEOUS MATERIALS:**

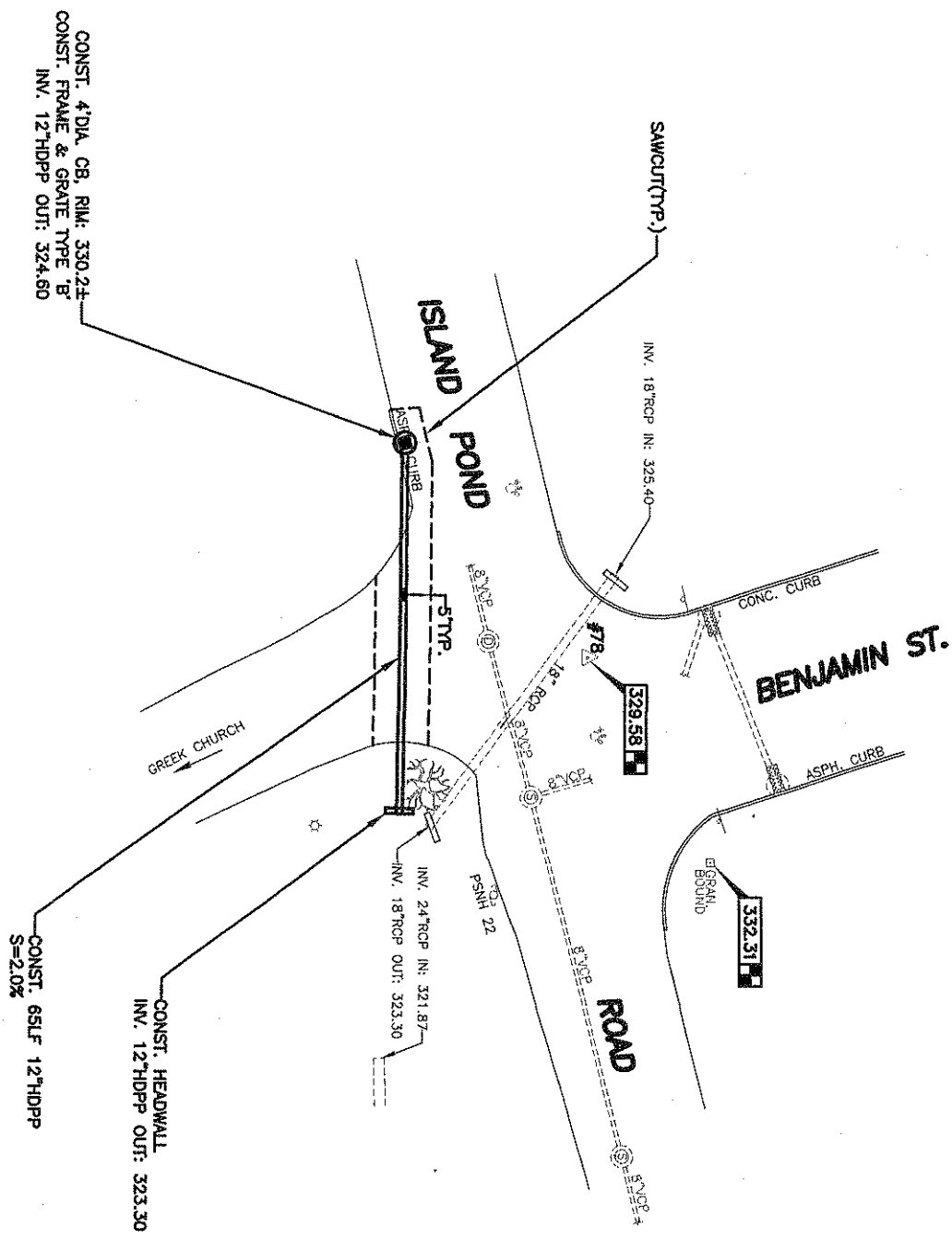
5	CY	Loam (4")	\$10.50	\$52.50
0	CY	Ledge Removal	\$50.00	\$0.00

SUBTOTAL: \$52.50

ROADWAY MATERIALS:	\$507.00
DRAINAGE MATERIALS:	\$993.32
MISCELLANEOUS MATERIALS	\$52.50

SUBTOTAL (MATERIALS): \$1,552.82**ADD 15% (OF VALUE OF MATL.): \$232.92****TOTAL (MATERIALS AND SUBCONTRACTS): \$1,785.74****USE: \$1.800**

Q



DESIGNED BY: B.A.T.
 DRAWN BY: G.K.C.
 CHECKED BY: J.W.D.
 SUBMITTED BY: B.A.T.



CITY OF MANCHESTER
 DEPARTMENT OF HIGHWAYS
 ENGINEERING DIVISION
 227 MAPLE STREET
 MANCHESTER, NEW HAMPSHIRE 03103

111 ISLAND POND ROAD
 DRAINAGE IMPROVEMENTS
 July 2005

NORTH
 SCALE
 1"=20'



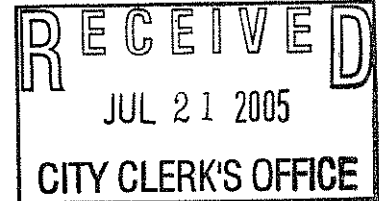
Greek Orthodox
Diocese of Boston

Assumption Greek Orthodox Church

July 20, 2005

Board of Alderman
One City Hall Plaza
Manchester, NH 03101

Attn: Paul Porter



A special request is being made on behalf of the Assumption Greek Orthodox Church which is located at 111 Island Pond Road to see if a water problem, which occurs especially when it rains, can be rectified to prevent the water from running into the entryway to church grounds and down through the parking lot.

Initially, in 1995 when the church and ground were completed the soil along Island Pond Road west of the entryway was high enough to keep the water running west along the road and not enter the entryway.

Unfortunately, as time went on the soil was gradually washed away, thereby, causing the rain water to run into the church grounds and into the parking lot.

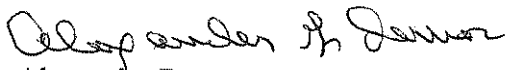
At our annual Greekfest 2004, it rained pretty heavy on Saturday, August 21, causing much water to run east under the large tent. This resulted in people's feet and footwear to get soaked as well as to cause other problems

We ask if a drainage system can be done, or, for the curbside west of the entryway to be raised in order to remedy this problem. Any positive action taken on this matter would be greatly appreciated.

We noticed some blacktop was applied in the ground area indicated. Thank you.

On behalf of the Parish Council,


+ Fr. Peter Kyriakos
Pastor


Alexander Demos
Parish Council Member

R

To the Board of Mayor and Aldermen of the City of Manchester:

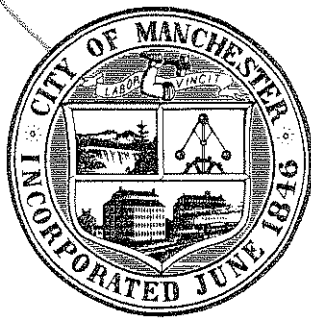
The Committee on Community Improvement respectfully advises, after due and careful consideration, that they have approved a request from the Highway Department to replace a 1990 S10 Blazer with a surplus U.S. government vehicle with FY06 MER funds.

(Unanimous vote)

Respectfully submitted,



Clerk of Committee



**City of Manchester
Department of Highways**

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Commission

Edward J. Beleski
- Chairman
Henry R. Bourgeois
William F. Kelley
Michael W. Lowry
William A. Varkas

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

August 23, 2005

C.I.P. Committee of the
Honorable Board of Mayor and Aldermen
CITY OF MANCHESTER
One City Hall Plaza,
Manchester, New Hampshire 03101

Attn: Leo R. Bernier, City Clerk

Re: *Vehicle Replacement*


Dear Committee Members:

It has come to our attention that one of our vehicles (1990 S10 Blazer) may not pass the next inspection process. The vehicle's frame is cracked and the body is rusted.

I am hereby requesting approval from the Committee members to replace this vehicle. Funding would be from remaining FY'06 M.E.R. funds allocated to the Highway Department. Our intention is to purchase a surplus U.S. Government vehicle, which are typically four years old, have low mileage and can be obtained for a price of \$5,000 to \$8,000.

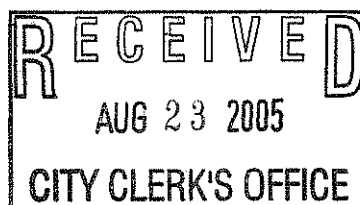
Your concurrence of this request would be appreciated. Frank or myself are available to address any questions you may have on this matter.

Sincerely,


Kevin A. Sheppard, P.E.
Deputy Public Works Director

/cd

cc: Frank C. Thomas, P.E.



S

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that the Office of the City Clerk continue hiring temporary per diem individuals for elections and peak demand periods by charging related costs to temporary salaries rather than contract manpower to meet IRS regulations.

(Unanimous vote)

Respectfully submitted,



Clerk of Committee

T

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Human Resources/Insurance respectfully advises, after due and careful consideration, that it has approved Ordinance:

“Amending Sections 33.024, 33.025 & 33.026 (Solid Waste Compliance Officer) of the Code of Ordinances of the City of Manchester.”

providing for the establishment of a new class specification, Solid Waste Compliance Officer, and is recommending same be referred to the Committee on Bills on Second Reading for technical review. The Committee further recommends that the issue of enforcement authority for this position be worked out with the Solicitor's Office and City staff.

(Aldermen Shea, Sysyn, Garrity and Forest voted yea; Alderman DeVries voted nay.)

Respectfully submitted,



Clerk of Committee

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending Sections 33.024, 33.025 & 33.026 (Solid Waste Compliance Officer) of the Code of Ordinance of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 33.024 CLASSIFICATION OF POSITION be amended as follows:

Establish new classification, Solid Waste Compliance Officer

SECTION 33.025 COMPENSATION OF POSITION be amended as follows:

Establish Solid Waste Compliance Officer, Grade 15, non-exempt

SECTION 33.026 CLASS SPECIFICATIONS be amended as follows:

Establish new class specification, Class Code 5611, Solid Waste Compliance Officer. (See attached).

This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.



City of Manchester, New Hampshire

Draft Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

Class Title	Solid Waste Compliance Officer
Class Code Number	5611-15

General Statement of Duties

Performs inspections and enforcement work relating to compliance with City Health and Sanitation Ordinances and City Health and City Highway Solid Waste Regulations; performs directly related work as required

Distinguishing Features of the Class

The principal function of an employee in this class is to ensure adherence to existing City Ordinances relating to Health and Sanitation and to City Regulations. The work is performed under the supervision and direction of the Chief of Street Operations, Assistant Chief of Street Operations as well as the Refuse superintendent but considerable leeway is granted for the exercise of independent judgement and initiative. The nature of the work performed requires that an employee in this class establishes and maintains effective working relationships with other City employees, representatives of the Manchester Health Department and Building Department, and the public. The principal duties of this class are performed in both an indoor and outdoor work environments requiring access to all areas of the city

Examples of Essential Work (illustrative only)

- Inspects, investigates and enforces City Health and Sanitation Ordinances and Regulations;

- Inspects, investigates and enforces City Highway Department Solid Waste Regulations;
- Interprets and applies applicable ordinances and regulations;
- Coordinates enforcement actions between the Health Department, Housing Code, Building Department and others;
- Patrols city streets and alley ways and monitors activity to identify violations of applicable ordinances and regulations and takes appropriate actions to deal with the situation, including, issuing written warnings, issuing citations or rectifying the situation through a dialogue with all parties involved as warranted;
- Receives complaints, researches ownership of property and records and performs inspections and conducts reexaminations to ensure any situation has been rectified
- Prepares documentation to assist the City's legal Department in the prosecution of violators
- Observes violations, takes pictures, issues notices, counsels code violators, prepares case files, pursues legal remedies, and oversees remedial actions for non-compliant properties;
- Maintains thorough and accurate records of inspections activities;
- Testifies on behalf of the City on legal proceedings
- Responds to request for information from the public and neighborhood organizations on codes issues;
- Reports possible violations outside of area of authority to the proper City Department or outside agency;
- Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Participates at public meetings on solid waste compliance issues;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

<p style="text-align: center;">Required Knowledge, Skills and Abilities (at time of appointment)</p>
--

- Thorough knowledge of local and State codes, ordinances and regulations relating to health , sanitation and solid waste;
- Thorough knowledge of the codes relating to acceptable materials, policies and procedures;
- Ability to read and interpret local and State ordinances and regulations;
- Knowledge and ability to recognize and properly address hazardous materials and/or public health related materials in solid waste;

- T
- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
 - Ability to understand and follow oral and/or written policies, procedures and instructions;
 - Ability to prepare and present accurate and reliable reports containing findings and recommendations;
 - Ability to operate or quickly learn to operate a personal computer using standard or customized software applications appropriate to assigned tasks;
 - Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
 - Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
 - Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
 - Integrity, ingenuity and inventiveness in the performance of assigned tasks.

Acceptable Experience and Training

- Graduation from High School or completion of GED; and
- Some experience in related Sanitation and Refuse operations; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

Required Special Qualifications

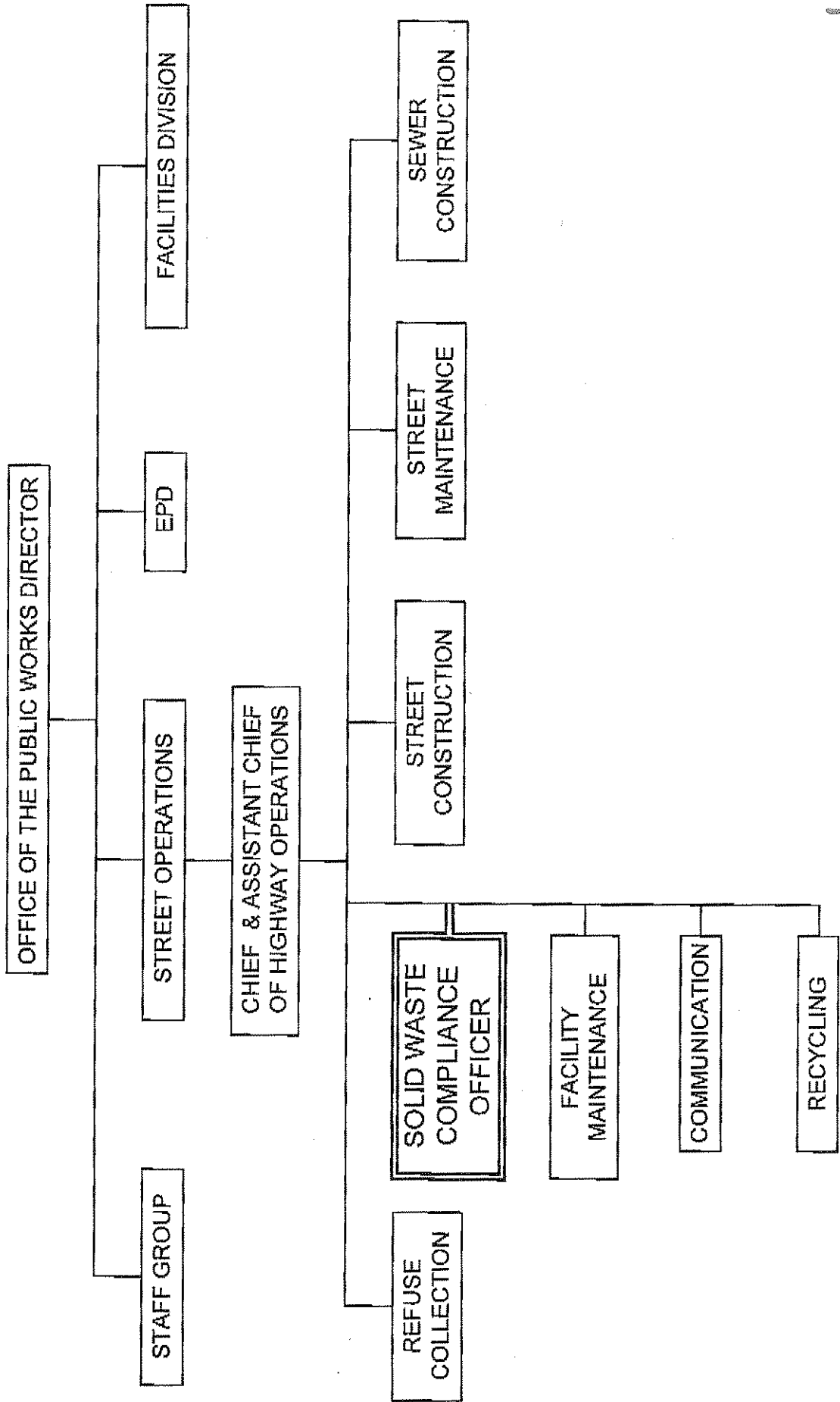
- Valid New Hampshire Driver's License.
- Level 2 Solid Waste Facility License

Essential Physical Abilities

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to inspect residences for code requirements;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to operate testing instruments as necessary;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to move about residences and other buildings as necessary to perform inspections.

Approved by: _____ Date: _____

DEPARTMENT OF PUBLIC WORKS ORGANIZATIONAL CHART





CITY OF MANCHESTER

Human Resources Department

One City Hall Plaza
Manchester, New Hampshire 03101-4000
Tel: (603) 624-6543 (V/TTY) • Fax: (603) 628-6065



September 6, 2005

Alderman Bill Shea, Chairman
Human Resource and Insurance Committee
City of Manchester
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Request to Establish New Position

Dear Alderman Shea and Members of the Committee:

On behalf of Frank Thomas, P.E., Director, Highway Department, I am requesting the establishment of a new position and a new class specification. It is my understanding that the Aldermanic Solid Waste Committee recommended the establishment of this position.

According to Director Thomas, it is envisioned that his position will take the lead in coordinating compliance and enforcement actions relating to solid waste that are now covered by various departments on a complaint/problem basis. This position will be looking for violators of ordinances and regulations regarding solid waste. Further, it is envisioned that this position will identify hazardous materials in the waste stream such as asbestos. Additionally, this position will identify bug infestations in household materials to minimize exposure to collection crews. When appropriate and necessary, this position will also issue citations. He/she will be required to testify at legal proceeding as needed. The incumbent that is selected to fill this position will need to have excellent communications skills, a calm disposition and the ability to maintain good relations with residents.

Mr. Thomas provided this office with a draft class specification for our review and analysis. In addition to that, Christine Martinsen discussed the duties and responsibilities that are proposed as well as what the minimum requirements would be to be considered for this position. After reviewing this information and comparing the duties to other class specifications, I have determined that this position should be set at a salary grade 15. The Highway Department compared this proposed class specification with current classifications such as Zoning Inspector, salary grade 18, Building Inspector, salary grade 18, and Utility Inspector I, salary grade 17. In addition to those class specifications, I have compared the proposed position to other classifications at Highway as well as at other departments.

The proposed class specification for Solid Waste Compliance Officer states that one must possess a high school diploma or GED and some (three months) experience in related sanitation or refuse operations. In addition, the incumbent would be required to have a Level II Solid Waste Facility License. The class specs that Highway has compared this class spec to require a higher level of knowledge and specialized experience. For examples, the Building Inspector class specification requires an Associates Degree in Construction Technology as well as experience in construction and building inspections. He/she must also be certified as a Building Inspector. A Zoning Inspector must be licensed by the State and also have specific experience in inspection operations. The Utility Inspector I class specification requires considerable experience (five to six years) in construction projects as well as graduation from high school. A class specification that Highway did not consider would be that of an Animal Control Officer II, salary grade 15. The level of the duties and responsibilities that are assigned to this classification are quite similar to those that are being discussed here today. For example the specification requires that the incumbent have a high school diploma or GED and some (three months) experience in an animal related field, some public contact experience and some law enforcement experience. An incumbent is required to enforce local and state ordinances and laws, investigate complaints and issue citations as necessary, to work in distasteful circumstances, testify in court as necessary, etc. etc. The level of the duties that are proposed for the Solid Waste Compliance Officer class specification are very close to the level of duties that have been established for the Animal Control Officer class specification.

Therefore, I am requesting that your authorize the establishment of a new position and a new class specification of Solid Waste Compliance Officer at salary grade 15.

I am attaching a copy of the draft class specification as well as an organization chart.

Your favorable approval of these requests would be greatly appreciated.

Respectfully submitted,



Virginia A. Lamberton
Human Resources Director

Attachments

u

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Traffic/Public Safety respectfully recommends, after due and careful consideration, that a request from Alderman Porter to install a raised island on Cohas Avenue at Island Pond Road be approved. The Committee advises that this item has been referred to the Committee on Community Improvement for funding (estimated at \$1,500).

(Unanimous vote)

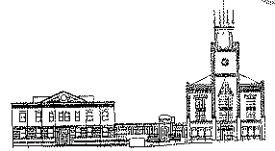
Respectfully submitted,



Clerk of Committee



CITY OF MANCHESTER Board of Aldermen



September 6, 2005

Mary A. Sysyn, Chairman
Committee on Traffic/Public Safety
One City Hall Plaza
Manchester, NH 03101

Re: Improvements on Cohas Avenue at Island Pond Road

Dear Madame Chairman and Committee Members:

Several residents have expressed a concern with the flow of traffic at the above-referenced intersection. At times, vehicles traveling easterly on Island Pond Road turning southerly onto Cohas Avenue cut across the northbound Cohas Venue travel lane.

At my request, the Highway Department has developed a proposed solution to this issue; constructing a raised island on Cohas Avenue. I am hereby requesting that this Committee approve the intersection improvements and forward the approval to the Committee on Community Improvement for funding. The Highway Department has estimated the cost of construction to be approximately \$1,500.00.

I am available to address any questions you may have on this matter.

Sincerely,

Paul W. Porter, Jr.
Alderman – Ward 6

pc: Frank C. Thomas, PE, Public Works Director
Thomas P. Lolicata, Traffic Director

✓

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Traffic/Public Safety respectfully recommends, after due and careful consideration, that a flashing signal be installed at the intersection of South Beech and Gold Streets, and further advises that they have referred this item to the Committee on Community Improvement for funding.

(Unanimous vote)

Respectfully submitted,

L. H. Binner

Clerk of Committee

W

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Traffic/Public Safety respectfully recommends, after due and careful consideration, that The Committee on Traffic/Public Safety respectfully recommends, after due and careful consideration, that the following regulations governing standing, stopping, and parking and operation of vehicles, be adopted pursuant to Chapter 70 of the Code of Ordinances of the City of Manchester and put into effect when duly advertised and the districts affected thereby duly posted as required by the provisions of that chapter and chapter 335 of the Sessions Laws of 1951.

Section 70.36 Stopping, Standing, or Parking Prohibited

STOPS SIGNS:

On Jobin Drive at So. Taylor Street, NEC, SWC
On So. Taylor Street at Jobin Drive, NWC

NO PARKING:

On Stark Lane, west side, from the private way (public access from 3A) to the dead end

NO PARKING ANYTIME:

On Sargent Road, both sides, from Goffs Falls Road to the dead end

PARKING 2 HOURS (8 AM-6 PM/MON-SAT) – EMERGENCY ACT:

On Lingard Street, north side, from South Willow Street to the dead end

W
Traffic Report
Page 2.

REPEALING PROVISIONS

That all rules and regulations now in effect in accordance with the provisions of an Ordinance "Chapter 70 Motor Vehicles and Traffic" as adopted August 6, 2002, with subsequent amendments thereto and inconsistent with the traffic rules and regulations herein adopted be repealed.

(Unanimous vote)

Respectfully submitted,



Clerk of Committee

X

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Traffic/Public Safety respectfully advises, after due and careful consideration, that eight additional parking permits for the Middle Street parking lot have been approved and that no more permits will be issued for that parking lot pending receipt of the parking study.

(Unanimous vote)

Respectfully submitted,

Paul Bernier

Clerk of Committee

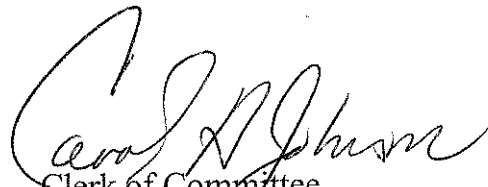
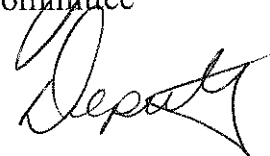
4

To the Board of Mayor and Aldermen of the City of Manchester:

The Special Committee on Riverfront Activities and Baseball respectfully advises, after due and careful consideration, that in accordance with the City's obligation under Section 13.2 of the Amended and Restated Management and Operations Agreement between the City and 6 to 4 to 3, LLC, they have approved the transfer of the New Hampshire Fisher Cats to NH Triple Play, LLC understanding the exception of the obligations set forth in Section 8.1 and on the condition that the parties meet all of the obligations set forth by the Eastern League.

(Unanimous vote)

Respectfully submitted,


Clerk of Committee


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To the Board of Mayor and Aldermen of the City of Manchester:

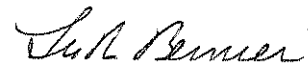
The Special Committee on Solid Waste Activities respectfully advises, after due and careful consideration, that it has approved Ordinance:

“Amending Sections 33.024, 33.025 & 33.026 (Solid Waste Compliance Officer) of the Code of Ordinances of the City of Manchester.”

providing for the establishment of a new class specification, Solid Waste Compliance Officer, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.

(Aldermen Roy, Thibault, Forest and O’Neil voted yea; Alderman Guinta voted nay.)

Respectfully submitted,



Clerk of Committee



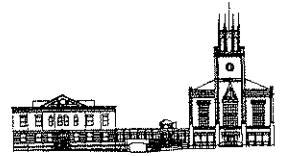
CITY OF MANCHESTER

Human Resources Department

One City Hall Plaza

Manchester, New Hampshire 03101-4000

Tel: (603) 624-6543 (V/TTY) • Fax: (603) 628-6065



September 6, 2005

Alderman Bill Shea, Chairman
Human Resource and Insurance Committee
City of Manchester
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Request to Establish New Position

Dear Alderman Shea and Members of the Committee:

On behalf of Frank Thomas, P.E., Director, Highway Department, I am requesting the establishment of a new position and a new class specification. It is my understanding that the Aldermanic Solid Waste Committee recommended the establishment of this position.

According to Director Thomas, it is envisioned that his position will take the lead in coordinating compliance and enforcement actions relating to solid waste that are now covered by various departments on a complaint/problem basis. This position will be looking for violators of ordinances and regulations regarding solid waste. Further, it is envisioned that this position will identify hazardous materials in the waste stream such as asbestos. Additionally, this position will identify bug infestations in household materials to minimize exposure to collection crews. When appropriate and necessary, this position will also issue citations. He/she will be required to testify at legal proceeding as needed. The incumbent that is selected to fill this position will need to have excellent communications skills, a calm disposition and the ability to maintain good relations with residents.

Mr. Thomas provided this office with a draft class specification for our review and analysis. In addition to that, Christine Martinsen discussed the duties and responsibilities that are proposed as well as what the minimum requirements would be to be considered for this position. After reviewing this information and comparing the duties to other class specifications, I have determined that this position should be set at a salary grade 15. The Highway Department compared this proposed class specification with current classifications such as Zoning Inspector, salary grade 18, Building Inspector, salary grade 18, and Utility Inspector I, salary grade 17. In addition to those class specifications, I have compared the proposed position to other classifications at Highway as well as at other departments.

The proposed class specification for Solid Waste Compliance Officer states that one must possess a high school diploma or GED and some (three months) experience in related sanitation or refuse operations. In addition, the incumbent would be required to have a Level II Solid Waste Facility License. The class specs that Highway has compared this class spec to require a higher level of knowledge and specialized experience. For examples, the Building Inspector class specification requires an Associates Degree in Construction Technology as well as experience in construction and building inspections. He/she must also be certified as a Building Inspector. A Zoning Inspector must be licensed by the State and also have specific experience in inspection operations. The Utility Inspector I class specification requires considerable experience (five to six years) in construction projects as well as graduation from high school. A class specification that Highway did not consider would be that of an Animal Control Officer II, salary grade 15. The level of the duties and responsibilities that are assigned to this classification are quite similar to those that are being discussed here today. For example the specification requires that the incumbent have a high school diploma or GED and some (three months) experience in an animal related field, some public contact experience and some law enforcement experience. An incumbent is required to enforce local and state ordinances and laws, investigate complaints and issue citations as necessary, to work in distasteful circumstances, testify in court as necessary, etc. etc. The level of the duties that are proposed for the Solid Waste Compliance Officer class specification are very close to the level of duties that have been established for the Animal Control Officer class specification.

Therefore, I am requesting that you authorize the establishment of a new position and a new class specification of Solid Waste Compliance Officer at salary grade 15.

I am attaching a copy of the draft class specification as well as an organization chart.

Your favorable approval of these requests would be greatly appreciated.

Respectfully submitted,



Virginia A. Lamberton
Human Resources Director

Attachments

7

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Amending Sections 33.024, 33.025 & 33.026 (Solid Waste Compliance Officer) of the Code of Ordinance of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 33.024 CLASSIFICATION OF POSITION be amended as follows:

Establish new classification, Solid Waste Compliance Officer

SECTION 33.025 COMPENSATION OF POSITION be amended as follows:

Establish Solid Waste Compliance Officer, Grade 15, non-exempt

SECTION 33.026 CLASS SPECIFICATIONS be amended as follows:

Establish new class specification, Class Code 5611, Solid Waste Compliance Officer. (See attached).

This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.



City of Manchester, New Hampshire

Draft Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

Class Title	Solid Waste Compliance Officer
Class Code Number	5611-15

General Statement of Duties

Performs inspections and enforcement work relating to compliance with City Health and Sanitation Ordinances and City Health and City Highway Solid Waste Regulations; performs directly related work as required

Distinguishing Features of the Class

The principal function of an employee in this class is to ensure adherence to existing City Ordinances relating to Health and Sanitation and to City Regulations. The work is performed under the supervision and direction of the Chief of Street Operations, Assistant Chief of Street Operations as well as the Refuse superintendent but considerable leeway is granted for the exercise of independent judgement and initiative. The nature of the work performed requires that an employee in this class establishes and maintains effective working relationships with other City employees, representatives of the Manchester Health Department and Building Department, and the public. The principal duties of this class are performed in both an indoor and outdoor work environments requiring access to all areas of the city

Examples of Essential Work (illustrative only)

- Inspects, investigates and enforces City Health and Sanitation Ordinances and Regulations;

- 2
- Inspects, investigates and enforces City Highway Department Solid Waste Regulations;
 - Interprets and applies applicable ordinances and regulations;
 - Coordinates enforcement actions between the Health Department, Housing Code, Building Department and others;
 - Patrols city streets and alley ways and monitors activity to identify violations of applicable ordinances and regulations and takes appropriate actions to deal with the situation, including, issuing written warnings, issuing citations or rectifying the situation through a dialogue with all parties involved as warranted;
 - Receives complaints, researches ownership of property and records and performs inspections and conducts reexaminations to ensure any situation has been rectified
 - Prepares documentation to assist the City's legal Department in the prosecution of violators
 - Observes violations, takes pictures, issues notices, counsels code violators, prepares case files, pursues legal remedies, and oversees remedial actions for non-compliant properties;
 - Maintains thorough and accurate records of inspections activities;
 - Testifies on behalf of the City on legal proceedings
 - Responds to request for information from the public and neighborhood organizations on codes issues;
 - Reports possible violations outside of area of authority to the proper City Department or outside agency;
 - Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
 - Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
 - Participates at public meetings on solid waste compliance issues;
 - Responds to citizens' questions and comments in a courteous and timely manner;
 - Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
 - Performs other directly related duties consistent with the role and function of the classification.

<p align="center">Required Knowledge, Skills and Abilities (at time of appointment)</p>
--

- | |
|---|
| <ul style="list-style-type: none"> • Thorough knowledge of local and State codes, ordinances and regulations relating to health , sanitation and solid waste; • Thorough knowledge of the codes relating to acceptable materials, policies and procedures; • Ability to read and interpret local and State ordinances and regulations; • Knowledge and ability to recognize and properly address hazardous materials and/or public health related materials in solid waste; |
|---|

2

- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
- Ability to understand and follow oral and/or written policies, procedures and instructions;
- Ability to prepare and present accurate and reliable reports containing findings and recommendations;
- Ability to operate or quickly learn to operate a personal computer using standard or customized software applications appropriate to assigned tasks;
- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.

Acceptable Experience and Training

- Graduation from High School or completion of GED; and
- Some experience in related Sanitation and Refuse operations; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

Required Special Qualifications

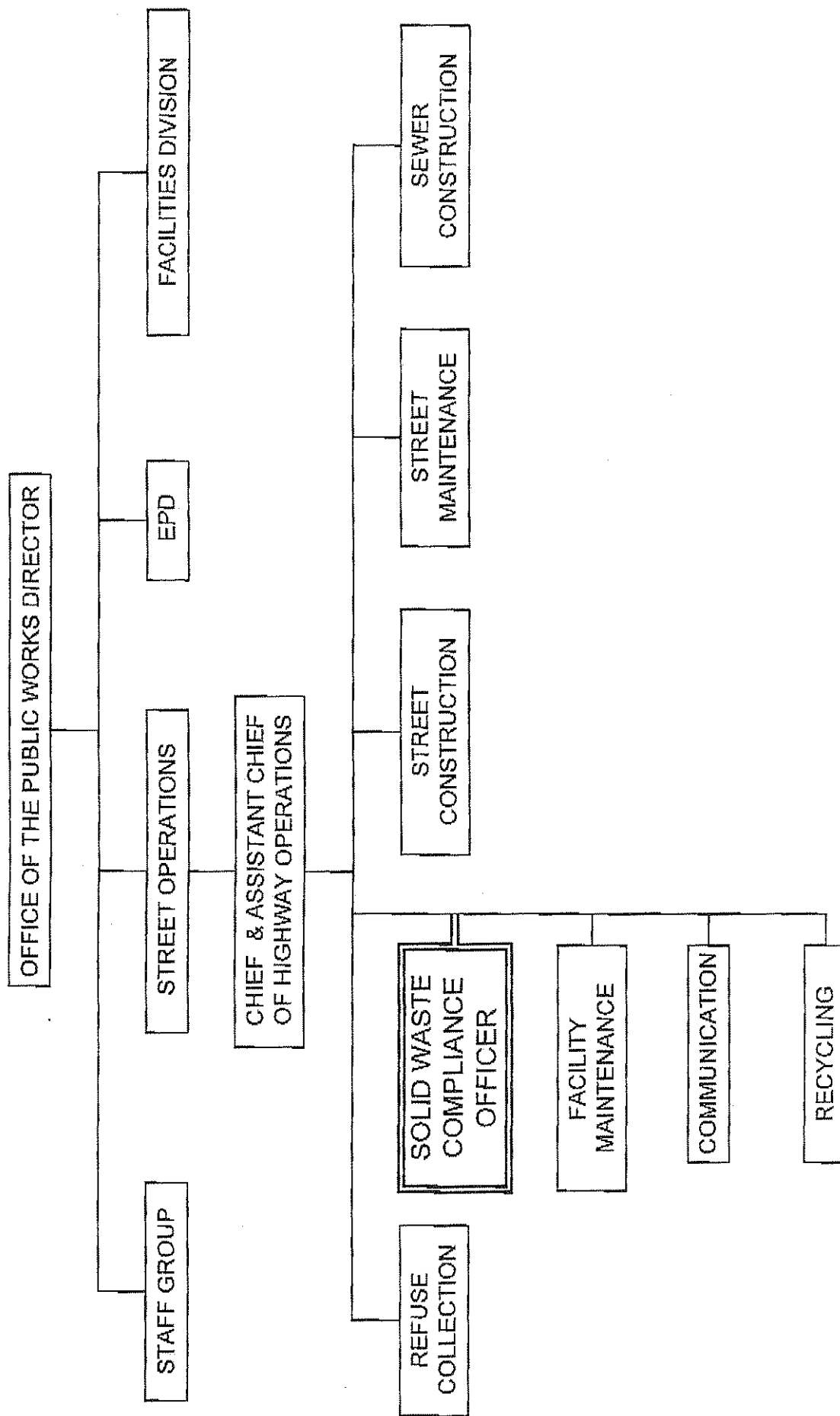
- Valid New Hampshire Driver's License.
- Level 2 Solid Waste Facility License

Essential Physical Abilities

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to inspect residences for code requirements;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to operate testing instruments as necessary;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to move about residences and other buildings as necessary to perform inspections.

Approved by: _____ Date: _____

DEPARTMENT OF PUBLIC WORKS ORGANIZATIONAL CHART





CITY OF MANCHESTER

Board of Aldermen



MEMORANDUM

To: Board of Aldermen

From: Alderman Osborne *ETO*
FLK

Date: August 30, 2005

Re: Proposed Solid Waste Compliance Officer

The time has come when the City needs to address the issue regarding solid waste littering throughout the City, therefore, I have requested the City Clerk's office to refer the attached memo (please see reverse side of this memo) to the Special Committee on Solid Waste Activities for their consideration and referral to the appropriate departments.

This information is being forwarded to you for informational purposes at this time.

pc: Mayor Baines
Human Resources Director
City Solicitor
CIP
Highway
Building
Health



CITY OF MANCHESTER Board of Aldermen



Memo To: Solid Waste Committee

On May 23, 2005 a meeting was held regarding solid waste citations, a summary of which follows. I am requesting the Solid Waste Committee consider the matter at it's next meeting.

MEETING SUMMARY

Attendees: Alderman Ed Osborne; Tom Arnold, City Solicitor's Office; Bob Roy, Bob Neveu, and Joanne McLaughlin, Highway Department; Al Kula, Building Department; and Phil Alexakos, Health Department.

Alderman Osborne precipitated the discussion in order to talk about the excessive time factor involved in citations written for solid waste ordinance infractions. Alderman Osborne has requested that the time period be shortened so that the violations can be processed/remedied more quickly.

The normal procedure utilized by the Highway Department involves sending registered letters to property owners, however there could be as much as a 22-day period before the Department is aware of whether or not the citation was received by the addressee/violator. An alternative and more direct method is hand delivery; however sometimes management companies handle the property and it is difficult to find the building owners.

Participants pointed out that the City's policy of collecting unlimited amounts of solid waste and bulky material at the curb is in part responsible for the large number of large set outs at the curb. The Highway Department requested that the policy be amended according to the solution offered by the Solid Waste Task Force. That solution would be to allow two free bulky pickups per property per year and to limit that service to residences and multi-family dwellings of six (6) units and under. Additional collections for eligible participants will be on a fee basis.

It was agreed by all participants that the solution is for the Highway Department to hire a full-time compliance officer to respond to and follow up with solid waste ordinance violations. A grade Level 15 was recommended (approximately \$42,000 for salary plus benefits) for the position. A vehicle will also be required for this position. The Health Department will investigate the potential for CIP funds or grant opportunities through the Weed and Seed Program to support the compliance officer.

Highway staff will work on putting together material to present this (these) recommendations to the Special Committee on Solid Waste and Recycling (Aldermen Roy, Guinta, Garrity, Forest, and Thibault), including the development of: 1) a compliance officer job description; Letters of Support from the Building and Health Department; information/data on solid waste citations from Highway, Building and Health; and development of a bulky waste fee list.

Thanking you in advance for your consideration,

5

Goucher, Pamela

From: MarkNDogs@aol.com
Sent: Tuesday, August 30, 2005 8:30 AM
To: Goucher, Pamela
Subject: Mark Isenberg
Follow Up Flag: Follow up
Flag Status: Red

Pamela,

Please let this Email serve as my resignation from the Manchester Planning Board. I have moved out of state and am therefore no longer able to participate. Also, please convey my gratitude to Mayor Baines for being named to this position and my admiration for the efforts of his administration to re-develop the City of Manchester. It had been long overdue.

Best wishes,

Mark Isenberg
(802) 484-7459

9/16/2005

7

To: Board of Mayor and Aldermen

From: Mayor Robert Baines

Re: Nominations

Date: September 6, 2005

I am nominating the following individual(s) to serve on the following board(s), commission(s), or authority(ies)

Board of Public Health

Carol A. Bednarowski to succeed Robert Christy, term to expire July 1, 2008.

Carol A. Bednarowski
265 Ridge Road
Manchester, NH 03104
603-622-1698

Carol Ann Kfoury Bednarowski was born in Lawrence, MA, the daughter of Frederick B. and Sada (Nassif) Kfoury, Sr. She moved to Manchester as a young child where she was educated in local schools, graduating from St. Joseph High School for Girls in 1961. Carol earned a Bachelor of Arts degree in Elementary Education from Anna Maria College, Paxton, MA in 1965. Carol has enjoyed a career of guiding and educating young children in the primary grades. She has recently retired from the Manchester School Department but enjoys going back to Green Acres School to help out when needed.



Carol and Ed met in Falmouth, MA and were married two years later in 1969. Their 32 year marriage was blessed with love and three beautiful daughters, Jennifer, Kara and Melissa. They made their home in Manchester, NH and have enjoyed summers at their home in Ogunquit, ME.

Carol has been an active volunteer for church, school and civic events. Currently, Carol serves as President of the Board of Directors of the Eddie B Foundation. She is the Treasurer of the Beta Chapter of Alpha Delta Kappa, an international Teaching Sorority. She is a member of the Manchester Education Association, the New Hampshire Education Association and the National Education Association. She is on the committee for Manchester Area Retired Educators Association and was recently named to the Board of Trustees of the Manchester Boys and Girls Club. Carol is dedicated to her family, her students and to her faith. She is looking forward to promoting and fostering the education and community service that were such an integral part of Ed's life.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a request for funding in the amount of \$3,000 for a flashing light at the intersection of South Beech and Gold Streets be approved.

The Committee notes that they have instructed the Planning Director to find funds for this project.

(Unanimous vote)

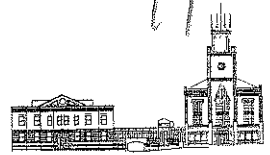
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "L. H. Bernier".

Clerk of Committee



CITY OF MANCHESTER Board of Aldermen



August 12, 2005

The Honorable Mary A. Sysyn, Chairman
Committee on Traffic/Public Safety
One City Hall Plaza
Manchester, NH 03101

Re: Flashing Light at the intersection of South Beech and Gold Streets

Dear Madame Chairman and Committee Members:

Over the past three years there have been a total of 23 accidents at the above intersection with a near fatality a few weeks ago when a vehicle crossed over a constituents lawn and impacted their home. The Fire Department had to utilize the jaws of life for extraction.

Currently, I have distributed a petition to the neighborhood requesting the above-referenced. Mr. Tom Lolicata has thoroughly researched the issue and has provided me with an estimate of \$3,000.00 for the installation. This intersection is heavily traveled due to the commercial businesses on the north side of Gold Street.

I respectfully request that the Traffic Committee endorse the request. Upon approval I am also requesting that this item be referred to the Committee on Community Improvement for funding purposes.

If any member should have any questions or concerns please do not hesitate to contact me directly. I would be happy to communicate to you my experiences living in the area for the past 13 years.

Sincerely,

Michael D. Garrity
Alderman – Ward 9

pc: Mayor Baines
Alderman Daniel O'Neil
Tom Lolicata
Lt. R. Valenti

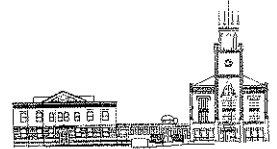


Robert S. MacKenzie, AICP
Director

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

September 26, 2005

Honorable Board of Mayor and Aldermen
City Hall
One City Hall Plaza
Manchester, New Hampshire 03101

re: Signals At Gold Street and South Beech Street

Honorable Board Members:

At the recent CIP Committee meeting, the Committee requested that we identify approximately \$3,000 for blinking signals at the intersection of Gold Street and South Beech Street. This intersection has seen a number of accidents and Alderman Garrity has expressed serious safety concerns about this location. It is my understanding that the Committee would like to expedite this matter and as such, I am forwarding this letter directly to the Board of Mayor and Aldermen.

Although we have not been able to identify available CIP cash for this project, we would recommend that \$3,000 be utilized from the South Willow Street Improvements program (CIP 7.10227). This program is funded from contributions of developers in the South Willow Street area and is to be committed primarily to projects which provide traffic calming and safety in the residential neighborhoods directly adjacent to the commercial area. It is my belief that this project would clearly qualify for the use of these funds. I would note that since the fund was developed under the Planning Board, that it is required to have the Planning Board's concurrence on this allocation.

I would suggest the following action by the BMA: That funds for the blinking signals at the intersection of Gold Street at South Beech Street be utilized from CIP 7.10227 subject to: confirmation from the Traffic Department that the intersection warrants these signals and concurrence from the Planning Board for the use of the funds for this project.

If you have any questions, I will be available at your next meeting.

Sincerely,

Robert S. MacKenzie, AICP
Director of Planning & Community Development

C: Tom Lolicata
Frank Thomas

One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 Fax: (603) 624-6529
E-mail: planning@ManchesterNH.gov
www.ManchesterNH.gov

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+
13

To the Board of Mayor and Aldermen of the City of Manchester:



The Committee on Traffic/Public Safety respectfully advises, after due and careful consideration, that it has approved an Ordinance:

“Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by adding a Residential Parking Permit Zone #6 and by adding a new Section (E) (2A) regarding Residential Permit Parking for Full Time Students.”

The Committee further recommends that the rules be suspended and that the Ordinance be adopted October 4, 2005.

(Unanimous vote)

Respectfully submitted,


Clerk of Committee


12
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13

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by adding a Residential Parking Permit Zone #6 and by adding a new Section (E) (2A) regarding Residential Permit Parking for Full Time Students.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amending Section 70.55, Residential Permit Parking of the Code of Ordinances by adding a Section (D)(6) as follows:

(D) Residential Parking Permit Zones. The following areas are hereby designated as the Residential Parking Permit Zones:

(6) Residential Parking Permit Zone #6. Area bounded on the west by the west side of Elm Street, on the north by the south side of Bridge Street, on the east by the east side of Chestnut Street and on the south by the north side of Merrimack Street. Residents within this district shall not be issued a Residential Parking Permit to park within the District. Residents within the district to the north of the north side of Amherst Street shall be issued a permit to park in Residential Parking Permit Zone (2)(b). Residents within the district to the south of the south side of Amherst Street shall be issued a permit to park in Residential Parking Permit Zone (1).

II. Amending Section 70.55, Residential Permit Parking of the Code of Ordinances by adding a Section (E)(2 A) as follows:

(E) Issuance of residential parking permits.

(E)(2 A) Notwithstanding those portions of Sections (E)(1) and (2) to the contrary a full time student whose driver's license does not show an address within a Residential Parking Permit Zone may meet the driver's license requirement of Section (E)(2) by presenting his driver's license together with a letter from the registrar of a New Hampshire accredited post secondary school located within the city. The letter shall state that the applicant is a full time student at said school and if the applicant resides in school provided housing the letter shall state the address of the student's school provided housing. If the applicant does not reside in school provided housing the applicant shall also provide a letter from his landlord stating his residence address.

III. This Ordinance shall take effect upon its passage and when duly posted.

City of Manchester
New Hampshire

In the year Two Thousand and Five

14+23

AN ORDINANCE

"Amending Chapter 30: City Officials and Employees of the Code of Ordinances of the City of Manchester by adding §30.49 Office of Independent City Auditor and §30.50 Duties of Independent City Auditor."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. OFFICE OF INDEPENDENT CITY AUDITOR

§30.49 OFFICE ESTABLISHED.

Pursuant to City Charter Section 6.12, the Office of Independent City Auditor is hereby established as a division within the Office of the City Solicitor.

§30.50 DUTIES OF INDEPENDENT CITY AUDITOR.

- (A) The position of Independent City Auditor is hereby transferred to the Office of the City Solicitor. It shall report to the Board of Mayor and Aldermen or to such committee as the Board of Mayor and Aldermen may designate.
- (B) It shall be the duty of the Independent City Auditor to perform such duties and functions as are set forth in City Charter Section 6.12.
- (C) The cost of any audit done by the Independent City Auditor or by any other auditor under his direction or authority of any department funded by any self-sustaining or special fund shall be a charge against the appropriate fund, and said cost shall be transferred from said fund to the general fund.
- (D) The Independent City Auditor shall receive the full cooperation of all other city officials and departments. The Finance Officer shall provide assistance to the Independent City Auditor upon request.
- (E) In making any audit, investigation, analysis, or research the Independent City Auditor shall have the power to examine whatever accounts or records of or property or things of value held by any department, board, institution, commission or agency that is deemed useful to said audit, investigation, analysis, or research requested by the Board of Mayor and Aldermen. All City departments, boards, institutions, commissions or agencies shall be required to furnish to the Independent City Auditor any information, including confidential information, the Independent City Auditor may request in the course of carrying out his/her duties.
- (F) The Independent City Auditor shall be subject to the same restrictions and penalties regarding disclosure of confidential information as the original custodian of the information. Disclosure of confidential information to the Independent City Auditor shall be for the purpose of, and to the extent necessary for, conducting audits, investigations, analysis, or research. If any department, board, institution, commission or agency objects to providing confidential information under the provisions of this section, the entity may apply to the City Solicitor for disapproval of the request. The City Solicitor shall review any confidential information to which the Independent City Auditor has requested access to determine whether or not it is necessary for the Independent City Auditor to examine the information. If it is determined that such information is necessary it shall be provided in a mutually agreeable and compatible format.

II. This Ordinance shall take effect upon its passage.

14+23

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending Sections 36.15 Issuance of Warrant for Collection; Notice to City Auditor and 36.17 Abatement Before Payment of the Code of Ordinances of the City of Manchester by replacing the term City Auditor with the term Independent City Auditor and Finance Officer."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by deleting language stricken (----) and inserting new language in *italics*. Language in regular type remains the same.

CHAPTER 36: TAXATION

§36.15 ISSUANCE OF WARRANT FOR COLLECTION; NOTICE TO CITY ~~AUDITOR~~ *INDEPENDENT CITY AUDITOR AND FINANCE OFFICER.*

(A) The Board of Assessors shall issue a warrant on the Collector of Taxes for the collection of all taxes and assessments due the city and they shall simultaneously notify the ~~City Auditor~~ *Independent City Auditor and Finance Officer* of all such warrants issued.

(B) The ~~City Auditor~~ *Independent City Auditor and Finance Officer* shall charge the Collector of Taxes on the city's general ledger with the amount of all warrants issued.

§36.17 ABATEMENT BEFORE PAYMENT.

Upon the abatement of any unpaid tax or taxes, the Board of Assessors shall make certificates thereof, and of the amounts so abated, with the reasons therefor, and shall thereupon deliver the certificates to the Collector of Taxes, who has in his hands, for collection, the tax or taxes so abated, and shall report to the ~~City Auditor~~ *Independent City Auditor and Finance Officer* the sum or sums so abated and certified, each month, and these abatements shall be credited to the Collector.

- II. This ordinance shall take effect upon its passage.

City of Manchester New Hampshire

In the year Two Thousand and Five

14423

AN ORDINANCE

"Amending Sections 36.16 Records and Reports of Abatements, 36.18 Abatement After Payment, and 36.35 Special Account for Taxes and Assessments of the Code of Ordinances of the City of Manchester by replacing the term City Auditor with the term Finance Officer."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by deleting language stricken (----) and inserting new language in *italics*. Language in regular type remains the same.

CHAPTER 36: TAXATION

§36.16 RECORDS AND REPORTS OF ABATEMENTS..

The Board of Assessors shall keep a record of all taxes abated and shall issue an annual report of total abatements, by levies. The records shall be kept in such form as to show a separation by levies, of poll, personal and property taxes and both assessments, abatements made before payments, abatements made after payments, and reassessments, and the monthly report of the ~~City Auditor~~ *Finance Officer* shall accurately specify these details.

§36.18 ABATEMENT AFTER PAYMENT.

If any abated tax has been previously paid into the city treasury, a certificate from the Board of Assessors, approved by the Board of Mayor and Aldermen, shall be sufficient authority for the ~~City Auditor~~ *Finance Officer* to draw a warrant on the City Treasurer for the amount so abated to the person in whose favor the certificate shall be drawn. The amount shall be charged to the appropriation for tax refund.

§36.35 SPECIAL ACCOUNT FOR TAXES AND ASSESSMENTS.

The ~~City Auditor~~ *Finance Officer* shall open an account with the Collector of Taxes, wherein the Collector of Taxes shall be charged with the amount of assessments and taxes placed in his hands for collection.

- II. This ordinance shall take effect upon its passage.

14+23

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Repealing Sections 35.017 (Y, Z, AA, AB and AC) Duties of Finance Officer and 35.018 Audit of the Code of Ordinances of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by repealing the paragraphs and/or sections listed below in their entirety.

CHAPTER 35: FINANCES

§35.017 DUTIES OF FINANCE OFFICER.

(Y) Conduct post-audits of the accounts and records of any city department. The Finance Officer may cooperate with federal officials and agencies in conducting said post-audits.

(Z) Order the audit of the accounts of the City Treasury, at least once each year, by a certified public accountant, selected pursuant to the provisions of the Procurement Code, and designated by the Finance Officer.

(AA) Provide a copy of final draft audit reports to respective department heads and commissions for their review and comment prior to submission to the Board of Mayor and Aldermen.

(AB) Submit a detailed report of every audit conducted pursuant to this section to the Board of Mayor and Aldermen for its approval. After acceptance by the Board of Mayor and Aldermen, a copy of the report shall be given to the Executive Officer of the department concerned. The Executive Officer shall submit a written statement explaining or rebutting the findings of the report to the Board of Mayor and Aldermen.

(AC) Conduct such program result audits of any department as the Board of Mayor and Aldermen shall specifically direct. Program result audits shall be conducted in accordance with governmental auditing standards as promulgated by the Comptroller General of the United States and shall include, but not be limited to, examinations and any determinations based upon the examinations as to whether the results contemplated by the Board of Mayor and Aldermen have been and are being achieved by the department concerned, and whether such objectives could be obtained more effectively through other means. The Board of Mayor and Aldermen shall, at least every ten years, consider the necessity of the review, pursuant to this section, of each city department.

City of Manchester
New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Repealing Sections 35.017 (Y, Z, AA, AB and AC) Duties of Finance Officer and 35.018 Audit of the Code of Ordinances of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

§35.018 AUDITS.

The cost of any audit done by the Finance Officer or by an other auditor under his direction or authority of any department funded by an self-sustaining or special fund shall be a charge against the appropriate fund, and said cost shall be transferred from said fund to the general fund.

II. This ordinance shall take effect upon its passage.

14+23

14+23

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Amending Chapter 32, Conservation Commission, Section 32.092 Composition; Terms, of the Code of Ordinances of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend Section 32.092 of the Code of Ordinances by inserting new language as bolded (**bold**). Language of Section 32.092 not struck through or bolded remains unchanged.

§32.092 COMPOSITION; TERMS.

The Commission shall consist of seven members, all citizens of the city and all appointed by the Mayor, subject to the approval of the Board of Mayor and Aldermen. **In addition, the Mayor, subject to the approval of the Board of Mayor and Aldermen, may appoint two alternate members to the Commission, who shall be residents of the city and who shall have full voting powers when designated by the Chairperson to act in the place of an absent or disqualified member.** The original Chairperson shall be appointed for a term of three years, three members shall have two-year terms, and three members shall have one-year terms. Appointments of respective successors **and of alternate members, both original and successor**, shall be for three years. The second term Chairperson shall be selected by the members from one of their number. Any member **or alternate member** of the Commission so appointed may, after a public hearing if requested, be removed for cause pursuant to the City Charter. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.

- II. This ordinance shall take effect upon its passage.

City of Manchester
New Hampshire

In the year Two Thousand and

five

14+23

AN ORDINANCE

"Amending Section 33.025 (Community Health Nurses) of the Code of Ordinances of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 33.025 COMPENSATION OF POSITIONS be amended as follows:

Reclassify Community Health Nurses from Grade 17 to Grade 18, Class Code 7070, exempt

This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.

14+23

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.40 Towing by increasing the towing fees."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Deletions to existing ordinance language are ~~struck through~~. New language appears in **bold**. Sections of the following chapter that remain unchanged appear in regular type.

§ 70.40 TOWING.

(A) (1) Any company or person which tows a motor vehicle without the consent or authorization of the owner or operator of the motor vehicle shall not charge a towing fee in excess of ~~\$50~~**\$70** during regular business hours. The fee for a tow conducted at a time other than regular business hours shall be \$85. For purposes of this section, "regular business hours" shall mean, at a minimum, the hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted, as well as any other posted business hours. The company or person shall post the business hours of its storage lot and shall disclose such information upon request of the owner or operator of a motor vehicle.

(2) Any company or person which tows a motor vehicle without the consent or authorization of the owner or operator of the motor vehicle shall not charge a fee in excess of \$25 per day for storing the towed motor vehicle. There shall be no storage fee for the first 24 hours after a motor vehicle is towed.

(B) No company or person shall charge any fee other than a towing fee or storage fee, as provided for in § 70.40 (A), for a motor vehicle which has been towed without the consent or authorization of the owner or operator; except a company or person may charge a service fee of up to \$25 to release a motor vehicle from a storage lot to its owner or operator at a time other than regular business hours. ~~For purposes of this section, "regular business hours" shall mean, at a minimum, the hours from 7:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted, as well as any other posted business hours. The company or person shall post the business hours of its storage lot and shall disclose such information upon request of the owner or operator of a motor vehicle.~~ In the event a service fee is charged, the company or person shall have the owner or operator sign an acknowledgment upon the release of the motor vehicle. The acknowledgment shall specify the date and time the vehicle was released, the location of the storage lot, and the amount of the service fee charged. No "hoisting", "let-down", "standby" or "gate" fee shall be charged.

(C) Any company or person which has towed a motor vehicle without the consent of the owner or operator shall release to the owner or operator any and all property contained within or on such vehicle, but not attached to the vehicle, upon request by the owner or operator of the vehicle without requiring the payment of any fee therefore including the towing fee and the storage fee provided for in § 70.40 (A).

- II. This ordinance shall take effect upon its passage.

City of Manchester New Hampshire

In the year Two Thousand and Two

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 1 of 7

14-23

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by deleting §§ 111.65 through 111.70: Dances; Dance Halls; Assembly in its entirety and inserting new §§ 111.65 through 111.73: Dances; Dance Halls; Assembly. New language to the sections appear in bold (**bold**). Previous language from the sections that remain unchanged appear in regular type.

DANCES; DANCE HALLS; ASSEMBLY

§ 111.65 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A-WEIGHTED SOUND PRESSURE. The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA.

DANCE HALL. Any location, other than a food-service establishment as defined by § 117.01 of this title, which permits or permits to occur, dancing. This definition shall not include a public or private school licensed by the state or the city for the purpose of conducting regular dancing classes or dance courses of study as its regular and recurrent business activity.

DECIBEL. A logarithmic unit of measure often used to measure magnitudes of sound. The symbol is dB.

ENTERTAINMENT PLACE OF ASSEMBLY. A room or space in which provision is made for the occupancy or assembly of 100 or more persons for entertainment purposes. For the purpose of this definition such room or space shall include any occupied connecting rooms, space, or area on the same level or in the same story, or in a story or storied above or below, where entrance is common to the rooms, space, or areas. An entertainment place of assembly shall be classified in either two classifications, Class I or Class II. A Class I entertainment place of assembly shall apply to non-profit organizations that do not receive exemptions pursuant to § 110.08(C) of this Code. Class II entertainment places of assembly shall include all other applicants.

14-23

City of Manchester New Hampshire

In the year Two Thousand and Two

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 2 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

NOISE. Any sound that exceeds the standards set forth in this chapter, annoys or disturbs a reasonable person of normal sensibilities, or causes or tends to cause any adverse psychological or physiological effect on humans.

SOUND. An oscillation in pressure, stress, particle displacement and particle velocity which induces auditory sensation.

SOUND LEVEL METER. An apparatus for the measurement of sound levels. The sound level meter shall be of a design and have the characteristics of a Type 2 or better instrument as established by the American National Standards Institute.

§ 111.66 LICENSE REQUIRED.

(A) No person shall own or operate a dance hall or entertainment place of assembly within the city unless a license shall first be obtained from the City Clerk.

(B) No person shall conduct or allow to be conducted any entertainment or public dancing which is an isolated or occasional event, and which is not part of the regular and recurrent business activity of the owner or operator of the room or space within the city unless a license shall first be obtained from the City Clerk.

(C) (1) Notwithstanding any other licensing ordinance, a duly licensed Class I and Class II restaurant in the city may allow dancing and entertainment upon obtaining an annual restaurant dance and entertainment license from the city.

(2) The application for a restaurant dance and entertainment license shall be made to the City Clerk upon forms to be determined by the City Clerk, the licensee shall be liable for any applicable police officer's fee and the license shall expire annually on April 30.

Penalty, see § 111.99

Cross-reference:

Business license fees, see § 110.20

City of Manchester New Hampshire

In the year Two Thousand and Two

14+23

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 3 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

§ 111.67 POLICE ATTENDANCE AT FUNCTION.

When it is determined after investigation by the Chief of Police to be necessary to preserve order, protect the health, safety, and welfare of the citizens of the city, or to help avoid traffic-related problems, public disturbance, or public nuisance, all establishments required to be licensed under this subchapter shall be required to hire an off-duty police officer or officers during those hours the Chief of Police deems appropriate. The Chief of Police may suspend the requirement after investigation as he deems appropriate, but his requirement may be reinstated following receipt of complaints and investigation by the Chief of Police.

§ 111.68 MINORS TO BE ACCOMPANIED BY PARENT OR GUARDIAN.

Minors under the age of 17 years shall not be admitted to a dance hall unless accompanied by parent or guardian or under the supervision of school authorities.
Penalty, see § 111.99

§ 111.69 RESTRICTED AREAS AT DANCES.

No person attending a public dance shall enter any room designated for the use of the opposite sex.
Penalty, see § 111.99

§ 111.70 CURFEW AT DANCES.

(A) No public dancing shall be permitted between the hours of 2:00 a.m. and 2:00 p.m. on Sunday, 1:00 a.m. and 12:00 p.m. on Monday, or 2:00 a.m. and 12:00 p.m. Tuesday, Wednesday, Thursday, Friday, and Saturday.

(B) No exhibit of natural or artificial curiosities, theatrical performances, or other shows shall be permitted between the hours of 2:00 a.m. and 9:00 a.m. on Sunday, 1:00 a.m. and 9:00 a.m. on Monday, or 2:00 a.m. and 9:00 a.m. Tuesday, Wednesday, Thursday, Friday, and Saturday.
Penalty, see § 111.99

14-03

City of Manchester New Hampshire

In the year Two Thousand and Two

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 4 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

§ 111.71 NOISE ACTIVITIES; PURPOSE.

The purpose of this section is to establish standards that will eliminate and reduce unnecessary noise at outdoor venues throughout the city which may be physically harmful or otherwise detrimental to individuals and the community in the enjoyment of life, property and the conduct of business.

(A) No person shall conduct an event that involves the amplification of sound or speech above sixty (60) dB(A) for the purpose of presenting a musical selection, show, performance or concert at an outdoor venue within the limits of the city of Manchester without obtaining a noise permit issued by the Office of the City Clerk.

(B) The following general guidelines shall apply to the issuance of a noise permit. These guidelines are not all inclusive as other criteria may be established that is reasonable and prudent to protect the public or limit the anticipated detrimental impact of the events noise upon the community:

(1) All outdoor venues shall have a curfew of 10:00 p.m. Any event which exceeds this curfew shall be assessed the penalty identified in §111.99(C)(4) for each fifteen (15) minute period beyond this curfew.

(2) The Office of the City Clerk shall not grant a permit to conduct noise at level greater than 100dB(A) to be measured one hundred feet (100') from the noise source.

(3) Any sound board or mix position present at an event shall be placed at one hundred feet (100') from the noise source.

(4) The Office of the City Clerk may require any applicant to be monitored for sound levels to ensure compliance with this chapter. Monitoring may be conducted by a representative of the City or an independent third party using an appropriate sound level meter. In the event of third party monitoring, all expenses associated with the sound monitoring shall be assumed by the applicant.

(5) In granting a license, the Office of the City Clerk may impose additional conditions or stipulations it deems necessary and proper to preserve the intent of this chapter.

14+23

City of Manchester New Hampshire

In the year Two Thousand and Two

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations.

Page 5 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(6) Should an application for a noise permit be denied, the applicant can appeal the decision to the Committee on Administration/Information Systems of the Board of Mayor and Aldermen.

§ 111.72 PERMIT FEES.

Each application for a noise permit shall include an application fee of two hundred dollars (\$200.00) cash, money order or bank check made payable to the City of Manchester.

§ 111.73 PROHIBITED CONDUCT.

The following conduct is prohibited:

(A) Provide any false or inaccurate information to any City board, committee, commission or any employee of the City of Manchester, in an attempt to deceive or otherwise avoid compliance with this ordinance.

(B) Hinder, obstruct, delay, resist, interfere, or attempt to interfere with any authorized persons while in the performance of their duties under this ordinance.

(C) Emit or cause to be emitted any noise which exceeds the established limits in §111.71(B)(2) of this chapter.

(D) Violate any subsection of §111.71 of this chapter.

(E) Conduct an event that involves the amplification of sound or speech above sixty (60) dBA for the purpose of presenting a musical selection, show, performance

14-03

City of Manchester New Hampshire

In the year Two Thousand and Two

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 6 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

or concert at an outdoor venue in the city of Manchester without obtaining a license from the Office of the City Clerk pursuant to § 111.71(A).

- II. Amend the Code of Ordinances by deleting language within §111.99: Penalty as stricken (-----) and inserting new language as bolded (**bold**). Portions of §111.99: Penalty that remain unchanged appear in regular type.

§ 111.99 PENALTY.

(A) Any person who shall fail to comply with any of the provisions of this chapter or who shall violate any of the provisions set forth herein, **unless a penalty is specified elsewhere**, shall be subject to the penalties as set forth in § 10.99 of this code of ordinances.

(B) (1) Any person who commits an act prohibited or made unlawful by §§ 111.40 through ~~111.55~~ **111.73** of this chapter or fails to perform any act required by such subchapter shall be guilty of a violation. Each act of violation, **or in the case of continuous violation**, every day upon which any such violation shall occur shall constitute a separate offense. In addition, if the court finds for the city, the city shall recover its costs of suit including reasonable experts' fees, attorney fees, and necessary investigative costs. Parties held responsible for violations of §§ 111.40 through ~~111.55~~ **111.73** shall include corporate officers, partners, or owners as identified on the business license application or as may be otherwise identified by the ~~Police Department~~ **City** as a result of any related investigation.

(2) The Police Department is hereby authorized to seize any amusement device located within the city in contravention of any of the provisions of §§ 111.40 through 111.55. Upon such seizure the Police Department shall notify the owner of the seized devices, or the person in whose place of business the amusement device was placed, of such seizure and the reason therefor. The Police Department shall hold any such seized devices for a period of not less than ten days from the date of the required notification to the owner or operator of the premises. During this period the owner or operator may redeem any such machine by correcting the violation of this division which led to such seizure. Any amusement devices which are so seized and which are not redeemed within the ten-day period described in this division (B)(2) shall become the property of the city. Costs for transportation and storage charges will be billed to the

14+23

City of Manchester New Hampshire

In the year Two Thousand and Two

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations.”

Page 7 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

owner of any amusement devices seized and must be paid before the release of the devices from city storage. The city will be held harmless for any damage occurring during the act of confiscation, transportation, and storage of each device.

(C) Violations of § 111.73 Prohibited Conduct shall follow the penalty schedule below:

(1) FIRST OFFENSE:

The licensee or his representative shall be informed of the noise ordinance and corrective measures to achieve compliance. This shall constitute an official warning and should be accomplished in writing if possible.

(2) SECOND OFFENSE:

A citation shall be issued to the licensee or his representative in the amount of two hundred and fifty dollars (\$250.00).

(3) THIRD OFFENSE:

A citation shall be issued to the licensee or his representative in the amount of five hundred dollars (\$500.00).

(4) FOURTH AND SUBSEQUENT OFFENSES:

A citation shall be issued to the licensee or his representative in the amount of one thousand dollars (\$1000.00).

III. These ordinances shall take effect upon passage.

14-23

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements."

Page 1 of 9

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by deleting language stricken (-----) and inserting new language in Chapter 115: Solicitations, Sales, Peddlers, and Fairs as bolded (**bold**). Sections of the following chapters that remain unchanged appear in regular type.

CHAPTER 115: SOLICITATIONS, SALES, PEDDLERS, AND FAIRS.

GENERAL PROVISIONS

§ 115.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIVIC CENTER ZONE. The westerly side of Elm Street, on the sidewalk, from Pleasant Street to the Center of NH exit and the easterly side of Elm Street, on the sidewalk, from Central Street to Merrimack Street. The westerly side of the zone includes a 30-foot setback from the corner of Elm Street and the Center of NH exit, northerly, and a 90-foot setback from the corner of Elm Street and Pleasant Street, southerly. This prevents impairing driver vision (in accordance with § 8.22(E) of the Zoning Ordinance) as well as interfering with Manchester transit loading and unloading. The easterly side of the zone also includes a 30-foot setback from the corner of Elm Street and Central Street, northerly, and a 90-foot setback from the corner of Elm Street and Merrimack Street, southerly. The Office of the City Clerk shall not issue more than a pre-determined number of licenses designated for the Civic Center Zone. The Office of the City Clerk may use discretion as to the total number of licenses issued for the Civic Center Zone should it be determined that this amount disrupts pedestrian traffic patterns, vehicular traffic flow, or reasonable peddler activity.

DISQUALIFYING CRIMINAL CONVICTION. Any felony convictions, any conviction involving harassment, violence, theft, fraud, loitering, prowling, or endangering the welfare of a child or incompetent.

FAIR. A show in which ten or more persons display merchandise, articles, services, or things for sale or solicit orders and as a separate transaction deliveries are made to purchasers, from a booth, stand, rack, showcase, bench, push-cart or a designated area.

City of Manchester New Hampshire

In the year Two Thousand and Five

14-23

AN ORDINANCE

"Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements."

Page 2 of 9

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

ITINERANT MAGAZINE SALESMAN. Any person, whether as principal, agent, or employee, who engages in a temporary or transient business in this city of traveling from house to house soliciting orders for magazine subscriptions or renewals.

MOTOR VEHICLE. Any vehicle, used for displaying, storing, or transporting of articles offered for sale by a peddler, which is required to be licensed and registered by the State Department of Motor Vehicles.

PEDDLER. A person as defined in R.S.A. 320.1 and R.S.A. 321.1, except as may be excluded by § 110.08 of this title, and shall include any person, whether a resident of the city or not, traveling by foot, wagon, motor vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, flowers, plants, garden truck, farm products or provisions, offering and exposing the same for sale from a wagon, stand, motor vehicle, railroad car, or other vehicle or conveyance, and includes one who while traveling from place to place solicits orders and as a separate transaction deliveries are made to purchasers. The word PEDDLER shall include one who travels from place to place offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contracts relating to household repairs and improvements, including contracts for the replacement or installation of siding on any residence or building; or one who keeps a regular place of business, open during regular business hours at the same location, but who offers for sale or sells and delivers, personally or through his agents, at a place other than his regular place of business, goods, wares, or merchandise. The word PEDDLER shall include HAWKER, VENDOR, HUCKSTER, and ITINERANT VENDOR. The word PEDDLER shall not include those persons who are on residential premises at the prior invitation of the owner or legal occupant or direct sellers as defined by Sec. 3508 of the U.S. Internal Revenue Code.

PUBLIC ASSEMBLY BUILDINGS. As defined in the ~~BOCA National~~ International Building Code, 1987 2000, Article 3, §§ 302.1 through 302.6 §§ 303.1 (A-4) through 303.1 (A-5).

PUBLIC PROPERTY. Any city-owned or controlled property including but not limited to streets, sidewalks, municipal parking areas, and municipal parks.

STAND. Any table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor vehicle and which is not required to be licensed and registered by the State Department of Motor Vehicles, used for displaying, storing, or transporting articles offered by sale by a peddler.

14-23

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements."

Page 3 of 9

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

TRANSIENT or ITINERANT PHOTOGRAPHERS. All persons, whether as principals, agents, or employees, who engage in a temporary or transient business in this city, whether such persons conduct their business by traveling from house to house taking pictures in a house, or operate from a hotel room, store, or other place of business, or otherwise, and who perform any of the following acts of the photography business: solicit orders, take pictures, assist in the taking of pictures, show proofs, deliver pictures, make collections for pictures sold.

TRANSIENT OR ITINERANT MAGAZINE SALES.

§ 115.20 LICENSING REQUIREMENTS.

(A) License required. No person shall engage in the business of an itinerant magazine salesperson unless he shall be licensed to do so as provided by this section. The City Clerk may issue a temporary license for a transient or itinerant magazine salesperson, following the same procedure as for the issuance of all annual licenses.

(B) License application; issuance; transfer; display.

Each applicant for an itinerant magazine salesperson's license shall apply to the City Clerk on a form to be determined by the City Clerk.

(1) The application shall include the name and home address; the name and address of all organizations by which he is employed or receives commissions or compensation of any kind; **two recent passport photographs of the applicant, or photographs of such size as previously approved by the City Clerk; a complete certified criminal record of the applicant obtained from the Criminal Records Division, State Police, Department of Safety, State of New Hampshire, and/or from the appropriate out-of state agency or agencies if not a resident of New Hampshire for the five years preceding the application; and whether he has ever before applied for a license under this section.**

(2) Upon verification of identity, review of application by Police Department, and receipt of the proper fee the City Clerk may issue the license and forward the name of the licensee to the Chief of Police. The license shall not be transferable and must be **presented displayed while engaging in the business of an itinerant magazine salesperson.** ~~to any party being solicited for magazine orders or to any police officer upon request.~~

City of Manchester New Hampshire

In the year Two Thousand and Five

14-23

AN ORDINANCE

"Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements."

Page 4 of 9

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(C) Hours, behavior restricted. No person shall engage in the business of an itinerant magazine salesperson except between the hours of 9:00 a.m. and 8:00 p.m. No person shall make any solicitation in an oppressive manner.

(D) Standards for denial. In addition to the application requirements set forth in this section, a license to operate as an itinerant magazine salesperson shall be denied to the following persons:

(1) An applicant who has received a disqualifying criminal conviction or has been imprisoned at any time for a disqualifying criminal conviction during the five years preceding the application.

(2) An applicant who is required to register as a sexual offender or as an offender against children under R.S.A. 651-B:6.

(3) An applicant who is denied an itinerant magazine sales license under the standards of this section, or who has reason to believe that he/she may be denied an itinerant magazine sales license under these standards, may file a written request for a review of the application before the Committee on Administration. The Committee on Administration will approve or disapprove the fitness of the applicant for the license. The Committee on Administration may require the submission of qualifying evidence to make an assessment, including character references and/or evaluation by a qualified professional, and may set such conditions, review procedures, or monitoring activities as it deems appropriate as a condition of licensure.

(E) Revocation. Any licensee that engages in any loud argument, fight, or other disturbances; harassed, threatened or assaulted another person, intentionally damaged, destroyed or threatened to damage or destroy any property or ~~Any person violating~~ violates any other provisions of this section shall have such license revoked. Upon request of the Chief of Police the licensee shall surrender his license. Upon conviction of violations under this section, no license shall be issued to such person for a period of three years.

(F) Exemptions. This section shall not apply to persons involved in elementary and secondary schools conducting such solicitations under the direction and guidance of a local school or other charitable organization.

14-23

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements."

Page 5 of 9

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

PEDDLERS.

§ 115.40 LICENSE REQUIRED; APPLICATION.

(A) It shall be unlawful for any person, firm, or corporation to engage in the business of a peddler within the city without first having secured a license therefor. The license shall be an annual license expiring on April 30 of each year. Each license issued pursuant to this subchapter shall be conspicuously displayed. The City Clerk may issue a temporary license for peddlers, following the same procedure as for the issuance of an annual license.

(B) Application for a peddler's license shall be made to the City Clerk upon a form to be determined by the City Clerk. The application shall include:

(1) The name, home and business address of the applicant, and the name and the address of the owner, if other than the applicant, of the business and of any stand or motor vehicle to be used in the operation of the business.

(2) Two recent passport photographs of the applicant, or photographs of such size as previously approved by the City Clerk.

(3) A complete certified criminal record of the applicant obtained from the Criminal Records Division, State Police, Department of Safety, State of New Hampshire, and/or from the appropriate out-of state agency or agencies if not a resident of New Hampshire for the five years preceding the application.

(4) A description of the type of food, beverage, merchandise, or service to be sold, and in the case of products of farm or orchard, whether produced or grown by the applicant.

(5) A description and photograph of any stand or motor vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business.

(6) A license from the City Health Department for any peddler who will sell any food or beverages.

City of Manchester New Hampshire

In the year Two Thousand and Five

14-23

AN ORDINANCE

"Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements."

Page 6 of 9

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(7) (a) A certificate of insurance that the applicant has been issued an insurance policy by an insurance company licensed to do business in the state, protecting the licensee and the city from all claims for damages to property and bodily injury, including death which may arise from operations under or in connection with the license. Such insurance shall provide combined primary and excess coverage which meet a \$500,000 minimum limit; such policy shall provide for automobile liability insurance for owned, nonowned and hire vehicles as applicable; and such policy shall provide that the policy shall not terminate or be cancelled prior to the expiration date except with 30 days' advance written notice to the city.

(b) Exceptions to certificates of insurance may be considered on a case by case basis by the City Clerk with consultation of the risk manager to modify guidelines to meet the exposures presented in a specific activity.

(8) A description of the proposed location of the business together with the written permission of the abutting landowner and/or tenant and a certificate from the building department that a location is consistent with the Zoning Ordinance. The abutter's written permission for use of a location shall be kept current and submitted at the beginning of each licensing year. If the location is in or adjacent to a public area with no private abutting landowner and/or tenant, an applicant must obtain written permission from the appropriate municipal department or public agency. Authorization to operate at that location may be subject to conditions requested by the municipal department or public agency at the time approval is granted or at any time during the licensing period. Peddlers who have been licensed during the licensing year immediately preceding an application for a specific location shall be given first consideration for licensure at that location provided all other requirements under this division are met and that the license is applied for prior to June 1 of the license year. After June 1, the City Clerk may issue a license for the location to the first applicant who requests that site and who meets the licensing requirements.

(9) Peddlers from motor vehicles shall describe, if less than the entire city, the general area in which the business will be operated.

(10) Hours of operation.

(11) Whether or not the applicant has previously held a peddler's license.

(12) Proof that the applicant holds a hawker, peddler, or itinerant vendor's license from the state where applicable.

14+23

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements."

Page 7 of 9

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(C) Standards for denial. In addition to the application requirements set forth in this section, a license to operate as a peddler shall be denied to the following persons:

(1) An applicant who has received a disqualifying criminal conviction or has been imprisoned at any time for a disqualifying criminal conviction during the five years preceding the application.

(2) An applicant who is required to register as a sexual offender or as an offender against children under R.S.A. 651-B:6.

(3) An applicant who is denied a peddler license under the standards of this section, or who has reason to believe that he/she may be denied a peddler license under these standards, may file a written request for a review of the application before the Committee on Administration. The Committee on Administration will approve or disapprove the fitness of the applicant for the license. The Committee on Administration may require the submission of qualifying evidence to make an assessment, including character references and/or evaluation by a qualified professional, and may set such conditions, review procedures, or monitoring activities as it deems appropriate as a condition of licensure.

§ 115.44 PROHIBITED CONDUCT.

A peddler shall not:

(A) Operate his business on any street, sidewalk, park, parkway or in any other public place unless his peddler's license specifies that peddling in such public place is permitted thereunder.

(B) Vend within 500 feet of the grounds of any elementary or secondary school between one-half hour prior to the start of the school and one-half hour after dismissal at the end of the school day.

(C) Vend within 1,000 feet of any hospital.

City of Manchester New Hampshire

In the year Two Thousand and Five

14+23

AN ORDINANCE

"Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements."

Page 8 of 9

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- (D) Vend within 1,000 feet of the same street of any public assembly building while such building is in use unless his peddler's license specifies that peddling in such place is permitted thereunder.
- (E) Leave any motor vehicle or stand unattended.
- (F) Store, park, or leave any stand overnight on any street or sidewalk or park any motor vehicle other than in a lawful parking place, in conformance with city and state parking regulations.
- (G) Sell food or beverages for immediate consumption unless he has available for public use his own or a public litter receptacle which is available for his patron's use.
- (H) Leave any location without first picking up, removing, and disposing of all trash or refuse remaining from sales made by him.
- (I) Allow any items relating to the operation of the business to be placed anywhere other than in, on, or under the stand or motor vehicle.
- (J) Set up, maintain, or permit the use of any table, crate, carton, rack, sign, or any other device to increase the selling or display capacity of his stand or motor vehicle, where such items have not been described on his application.
- (K) Solicit or conduct business with persons in motor vehicles.
- (L) Sell any other than that which he is licensed to vend.
- (M) Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loud speaker, public address system, radio sound amplifier or similar device to attract the attention of the public.
- (N) Operate without the insurance coverage specified in this subchapter.
- (O) Sell food or beverages without a valid and current Health Department permit to operate a food establishment.
- (P) Vend without a fire extinguisher of a type approved by the Fire Chief or his designee if the vendor utilizes heat generation equipment.
- (Q) Operate at any time other than the hours of 9:00 a.m. to 8:00 p.m. unless part of a special permitted activity or the license so specifies.

12/1+23

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements."

Page 9 of 9

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(R) Vend within 50 feet of any building or storefront housing a business selling the same or similar food, merchandise, or product except during special one-day events or while such business is closed.

(S) Vend in the area around the Civic Center bounded by Pine Street from the corners of Manchester Street and Valley Street, Valley Street from the corners of Pine Street and Elm Street, Elm Street from the corners of Valley Street and West Auburn Street, West Auburn Street from the corners of Elm Street and Canal Street, Canal Street from the corners of West Auburn Street and Market Street, Market Street from the corners of Canal Street and Franklin Street, Franklin Street from the corners of Market Street and West Merrimack Street, West Merrimack Street from the corners of Franklin Street and Elm Street, Elm Street from the corners of West Merrimack Street and Manchester Street, Manchester Street from the corners of Elm Street and Pine Street, unless the applicant proposes to vend items adjacent to a business they currently own within this area, part of a special permitted activity or the license so specifies.

(T) Engage in any loud argument, fight, or other disturbances; harassed, threatened or assaulted another person, intentionally damaged, destroyed or threatened to damage or destroy any property.

(U) Operate without properly displaying peddlers license.

City of Manchester New Hampshire

In the year Two Thousand and Five

14+23

AN ORDINANCE

“Authorizing the Mayor to Dispose of Certain Tax Deeded Property
Known as West Haven Road, Map 0922/Lot 0039-A.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

- I. That in accordance with New Hampshire RSA 80:80, the Mayor is authorized to convey a parcel of tax-deeded property known as West Haven Road, City Map 0922/Lot0039-A in the City of Manchester to Dennis and Diane Traynor of 139 Mayflower Drive at a cost of Three Thousand Dollars (\$3,000.00).

Said property was acquired by Tax Collector's Deed dated January 16, 1991 and recorded in the Hillsborough County Registry of Deeds on January 21, 1991, Book 5234, Page 1626. The Board of Assessors concurs that the above noted disposition reflects a reasonable value.

The Board finds just cause to sell such property to the abutter as said parcel is considered residual/unbuildable, serves no practical public purpose other than to the abutters, is presently a liability to the City as a waste disposal site, and sale of property to the abutters shall place the property on the tax roles.

- II. This Ordinance shall remain in effect for a period of two years (2) from the date of passage.

18



CITY OF MANCHESTER

Office of the City Clerk



Leo R. Bernier
City Clerk

Carol A. Johnson
Deputy City Clerk

Paula L-Kang
Deputy Clerk
Administrative Services

Matthew Normand
Deputy Clerk
Licensing & Facilities

Patricia Piecuch
Deputy Clerk
Financial Administration

September 27, 2005

The Honorable Board of Mayor
and Aldermen
One City Hall Plaza
Manchester, NH 03101

Dear Honorable Board Members:

Enclosed please find a copy of the official results of the City of Manchester Non-Partisan Municipal Primary Election held on September 20, 2005.

Sincerely,

Leo R. Bernier
City Clerk

Enclosure



CITY OF MANCHESTER OFFICIAL RESULTS **Non-Partisan Municipal Primary Election** **September 20, 2005**

RACE	WARD 1	WARD 2	WARD 3	WARD 4	WARD 5	WARD 6	WARD 7	WARD 8	WARD 9	WARD 10	WARD 11	WARD 12	TOTAL
MAYOR													
Robert A. Baines*	752	498	335	450	253	474	380	461	482	453	273	357	5168
Frank Guinta*	575	351	226	298	181	377	282	358	357	337	161	257	3760
"Jeff" Kassel	58	54	35	59	23	67	59	65	69	62	54	46	651
TOTALS	1385	903	596	807	457	918	721	884	908	852	488	660	9579

RACE	WARD 1	WARD 2	WARD 3	WARD 4	WARD 5	WARD 6	WARD 7	WARD 8	WARD 9	WARD 10	WARD 11	WARD 12	TOTAL
WELFARE COMMISSIONER													
James D. Chan	132	113	83	86	53	87	56	52	68	86	25	59	900
Paul R.R. Martineau*	860	541	344	519	307	605	511	608	646	565	339	418	6263
Philip C. Therrien*	171	124	94	106	64	135	113	134	123	135	92	111	1402
TOTALS	1163	778	521	711	424	827	680	794	837	786	456	588	8565

RACE	WARD 1	WARD 2	WARD 3	WARD 4	WARD 5	WARD 6	WARD 7	WARD 8	WARD 9	WARD 10	WARD 11	WARD 12	TOTAL
ALDERMEN AT-LARGE													
Roger A. Francoeur	69	56	66	75	38	50	85	59	98	91	88	85	860
Katherine Gatsas*	411	275	165	246	123	300	212	227	225	204	95	179	2662
Denise M. "Dee" Herman	96	46	48	61	24	49	43	29	46	51	42	50	585
William Infantine	214	94	95	74	44	228	97	116	100	104	49	110	1325
Michael "Mike" Lopez*	579	386	243	322	210	373	294	358	411	488	253	316	4233
Paul A. Maloney	60	64	33	35	18	30	32	28	33	33	20	37	423
Daniel P. O'Neil*	601	411	187	337	211	345	309	374	363	315	142	207	3802
Steve Vaillancourt*	214	151	112	141	73	155	156	296	248	142	118	128	1934
Andrew C. Vogt	32	8	8	16	3	12	11	15	15	18	11	17	166
TOTALS	2276	1491	957	1307	744	1542	1239	1502	1539	1446	818	1129	15990

*Names to appear on November General Ballot

8

18

CITY OF MANCHESTER OFFICIAL RESULTS
Non- Partisan Municipal Primary Election
September 20, 2005

MAYOR	GRAND TOTALS
Robert A. Baines*	5168
Frank Guinta*	3760
"Jeff" Kassel	651

WELFARE COMMISSIONER	GRAND TOTALS
James D. Chan	900
Paul R.R. Martineau*	6263
Philip C. Therrien*	1402

ALDERMEN AT-LARGE	GRAND TOTALS
Roger A. Francoeur	860
Katherine Gatsas*	2662
Denise M. "Dee" Herman	585
William Infantine	1325
Michael "Mike" Lopez*	4233
Paul A. Maloney	423
Daniel P. O'Neil*	3802
Steve Vaillancourt*	1934
Andrew C. Vogt	166

WARD ONE

MODERATOR	GRAND TOTALS
Danny Biondi	179
Jeffrey Goley*	663
William T. Wrobleski*	259

WARD TWO

SCHOOL COMMITTEE	GRAND TOTALS
James D. Chan	79
Michael J. Langton*	364
Robert J. Leonard*	399

* Names to appear on November General Ballot

18

CITY OF MANCHESTER OFFICIAL RESULTS
Non- Partisan Municipal Primary Election
September 20, 2005

WARD THREE

ALDERMAN	GRAND TOTALS
Philip Gile	19
Mark Laliberte	136
Joseph Kelly Levasseur*	190
Patrick Long*	180
Glenn R.J. Ouellette	40

WARD FOUR

ALDERMAN	GRAND TOTALS
John Castelot	166
Jerome Duval*	284
Mary A. Sysyn*	352

WARD EIGHT

WARD CLERK	GRAND TOTALS
"Mike" Biundo	109
Michael Farley*	216
D. Lynn Lavigne*	441

WARD 12

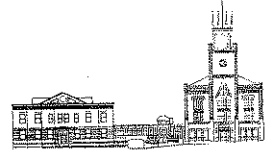
SELECTMEN	GRAND TOTALS
Robert Burns*	302
David Hurst*	157
Christopher Newton*	139
"Nick" Panagopoulos*	192
Joel Rauch	58
Yvette G. Smith*	297
Jon N. Strasburger*	93

* Names to appear on November General Ballot



CITY OF MANCHESTER

Office of the City Clerk



Leo R. Bernier
City Clerk

Carol A. Johnson
Deputy City Clerk

Paula L-Kang
Deputy Clerk
Administrative Services

Matthew Normand
Deputy Clerk
Licensing & Facilities

Patricia Piecuch
Deputy Clerk
Financial Administration

September 26, 2005

The Honorable Board of Mayor
and Aldermen
One City Hall Plaza
Manchester, NH 03101

Dear Honorable Board Members:

RSA 659:4 requires that the Board of Mayor and Aldermen "determine the polling hours no later than 30 days prior" to the election.

I am requesting the Board set the polling hours for the Non-Partisan Municipal General Election scheduled for Tuesday, November 8, 2005, from 6:00 AM until 7:00 PM.

Your favorable consideration would be greatly appreciated.

Thank you.

Sincerely,

Leo R. Bernier
City Clerk



**City of Manchester
Office of the City Solicitor**

One City Hall Plaza
Manchester, New Hampshire 03101
(603) 624-6523 Fax (603) 624-6528
TTY: 1-800-735-2964
Email: solicitor@ci.manchester.nh.us

Thomas R. Clark
City Solicitor

Thomas I. Arnold, III
Deputy City Solicitor

Daniel D. Muller, Jr.
~~Kenneth R. Bernard~~
Michele A. Battaglia
~~Marc van Zanten~~

September 27, 2005

Board of Mayor and Aldermen
c/o Leo Bernier, Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Music License Agreements

Gentlemen:

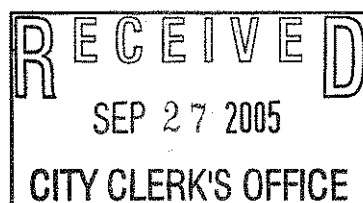
The City has been contacted by two organizations, SESAC and the American Society of Composers, Authors & Publishers (ASCAP), regarding the necessity of obtaining music license agreements. These agreements give the City a license to "perform" copyrighted music of the artists and performers these organizations represent. The City needs such licenses to avoid copyright infringement when the City undertakes activities such as broadcasting radio stations at City facilities such as the ice arenas, the library sponsoring concerts, the senior center having a dance or a school band performing.

During this year's budget process funds to purchase these licenses was placed in the Civic Contributions account. Consequently, I would ask that the Board of Mayor and Aldermen authorize the expenditure, from Civic Contributions of \$833.00 for the ASCAP license and \$1,048.00 for the SESAC license.

Very Truly Yours,

Thomas I. Arnold, III
Deputy City Solicitor

TIA/hms



20

SESAC PERFORMANCE LICENSE for MUNICIPALITIES

Agreement made in New York by and between SESAC, Inc. ("SESAC"), a New York corporation, with offices at 55 Music Square East, Nashville, TN 37203 and

(Legal Name of Entity) ("LICENSEE")

(Billing Address) _____

(City, State, ZIP) _____

Telephone: _____ Fax: _____

E-mail: _____

SESAC and LICENSEE hereby mutually agree as follows:

1. GRANT OF RIGHTS: Effective as of January 01, 2005, (the "Effective Date") SESAC grants to LICENSEE the non-exclusive right and license to publicly perform live or recorded non-dramatic renditions of the musical compositions, the performance rights to which SESAC controls and/or is empowered to license (the "Compositions") solely on and in connection with the following:

Name: City of Manchester
Location: Manchester, NH (the "Municipality")

As used herein, "Municipality" shall include those locations owned, operated, and/or leased by LICENSEE which are used as governmental offices or for related purposes; those locations at which events are held under LICENSEE's sole control and attended by LICENSEE's employees, their families, social acquaintances, citizens, and other members of the public; and those areas owned, operated, and/or leased by LICENSEE which are under LICENSEE's sole control.

2. LIMITATIONS OF RIGHTS: The Rights granted pursuant to Paragraph 1 above shall specifically exclude:

A. the right to perform, broadcast, televise or otherwise transmit the Compositions to any location (unless and to the extent otherwise expressly permitted in Schedule "A");

B. the right to grant the Rights to any third party;

C. "Grand Rights" in and to the Compositions ("Grand Rights" include, but are not limited to, the right to perform in whole or in part, dramatico-musical and dramatic works in a dramatic setting);

D. performances of the Compositions (i) which are part of a background music service originating from any location including the Municipality, for which performance license fees are otherwise paid, regardless of the means by which such performances are transmitted on or to the Municipality, (ii) by coin-operated phonorecord players ("jukeboxes"), as defined in 17 U.S.C. § 116, and/or (iii) transmitted by computer on-line services or electronic bulletin boards and received on the Municipality (unless and to the extent otherwise expressly permitted in Schedule "A").

E. This license shall specifically exclude concerts. "Concerts" are those performances by an entertainer, group, or performer for which an admission or other fee is charged and which are not solely promoted by LICENSEE.

F. This license shall specifically exclude "Sporting events." "Sporting events" are professional, semi-professional, major or minor league athletic competitions.

G. This license shall specifically exclude Colleges and/or Universities.

3. TERM OF LICENSE:

A. The term of the Agreement shall be for an initial period that commences upon the Effective Date and continues for a period of one (1) year (the "Initial Period"). Thereafter, the Agreement shall automatically continue in full force and effect for successive additional periods of one (1) year ("Renewal Period(s)"). SESAC and /or LICENSEE shall have the right to terminate this Agreement as of the last day of the Initial Period or as of the last day of any Renewal Period(s) upon giving written notice to the other party by certified mail, return receipt requested, at least thirty (30) days prior to the commencement of any Renewal Period(s). The Initial Period and Renewal Period(s) are sometimes collectively referred to herein as the "Term."

B. Notwithstanding anything to the contrary contained herein, SESAC shall have the right to terminate this Agreement upon thirty (30) days written notice by reason of any law, rule, decree, or other enactment having the force of law, by any authority, whether federal, state, local, territorial or otherwise, which shall result in substantial interference in SESAC's operation or any substantial increase in the cost of conducting its business.

4. LICENSE FEE:

A. As consideration for the Rights granted herein, LICENSEE shall pay to SESAC the annual "License Fee" then in effect in accordance with the "Fee Schedule" set forth in Schedule "A" attached hereto.

B. In the event that SESAC is determined by the taxing authority or courts of any state in which LICENSEE conducts its operation to be liable for the payment of a gross receipts, sales, use, business use or other tax which is based on the amount of SESAC's receipts from LICENSEE, then LICENSEE shall reimburse SESAC, within thirty (30) days of notification therefor, for LICENSEE's pro rata share of any such tax derived from receipts received from LICENSEE, unless by constitution or statute, LICENSEE is exempt from any such tax whether applied directly or indirectly to LICENSEE.

C. SESAC shall have the right to impose a late payment charge of one and one-half percent (1.5%) per month for any License Fee payment that is more than thirty (30) days past due. In the event that SESAC incurs any costs or fees in connection with the collection of any amounts past due to SESAC hereunder, then LICENSEE shall be responsible for paying such amounts to SESAC unless by constitution or statute, LICENSEE is exempt from any such charge whether applied directly or indirectly to LICENSEE.

D. Effective January 1 of each calendar year the License Fee may be increased by five percent (5%), rounded to the nearest dollar. In the event that the percent increase in the Consumer Price Index - All Urban Consumer (CPI-U) as published by the Bureau of Labor Statistics, U.S. Department of Labor, between the most recent October and the preceding October exceeds five percent (5%), then the License Fee may be increased by that amount.

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5. MISCELLANEOUS:

- A. In the event LICENSEE fails to pay the License Fee when due or is otherwise in default of any other provision of this Agreement, then SESAC shall have the right to terminate this Agreement in addition to pursuing any and all other rights and/or remedies available if LICENSEE has not cured such breach within thirty (30) days following SESAC's written notice of such default.
- B. SESAC shall have the right to withdraw from the scope of this License, upon written notice, the right to perform any musical composition licensed hereunder as to which any action has been threatened, instituted, or a claim made that SESAC does not have the right to license the performance rights in such composition.
- C. This Agreement shall be binding upon and inure to the benefit of SESAC's and LICENSEE's legal representatives, successors, and assigns, but no assignment shall relieve SESAC or LICENSEE of their obligation under this Agreement.
- D. This Agreement supersedes and cancels all prior negotiations and understandings between SESAC and LICENSEE in connection with the Municipality. No modification of this Agreement shall be valid or binding unless in writing and executed by SESAC and LICENSEE. If any part of this Agreement shall be determined to be invalid or unenforceable by a court of competent jurisdiction or by any other legally constituted body having the jurisdiction to make such determination, the remainder of this Agreement shall remain in full force and effect. No waiver of any breach of this Agreement shall be deemed a waiver of any preceding, continuing or succeeding breach of the same, or any other provision of this Agreement.

IN WITNESS THEREOF, the parties have caused this Agreement to be duly signed as of

(Please insert today's date)

LICENSEE

SESAC, Inc

BY: _____ BY: _____
(Please sign here)

(Type or print name)

TITLE: _____ TITLE: _____

Please mail signed license to: SESAC
55 Music Square East
Nashville, TN 37203

MAMGLUR/QTXT/SIGNATUR - 02/1/02 - City of Manchester - 63-28-01001

> > > > PLEASE DO NOT DETACH - MUST ACCOMPANY LICENSE < < < < <

Schedule "A"
MUNICIPALITY - 2005

I. Municipality. "Municipality," as used in the SESAC Performance License effective January 01, 2005 (the "Agreement") to which this Schedule "A" is attached, shall be defined as the following Municipality:

Name: City of Manchester
Location: Manchester, NH (the "Municipality")

II. Fee Schedule/License Fee.

A. The annual License Fee shall be based upon the "Population" of the Municipality as noted below:

<u>"Population"</u>	<u>License Fee for calendar year 2005</u>
Under 25,000	\$ 221
25,001 - 50,000	\$ 441
50,001 - 100,000	\$ 717
100,001 - 150,000	\$1,048
150,001 - 250,000	\$1,433
250,001 - 500,000	\$1,874
500,001 And over	\$2,371 + \$221 for each additional 100,000 population

"Population:" 107,006

This license will authorize audio and/or audio/visual musical performances (radio, records, tapes, compact discs, videocassettes, laser discs, television, and similar media), and live musical performances. This license will also authorize performances via music on hold systems operated by LICENSEE.

B. As used herein, "Population" shall mean the total population of the Municipality as of the most recent United States Census.

C. LICENSEE shall pay the license fee to SESAC upon execution of this Agreement, with license fees due and payable in advance. The initial license fee payment shall be a pro-rated amount calculated using the then current license fee rate(s) from the Effective Date through the end of the current billing period. Subsequent payments shall be made annually in one (1) payment on or before the first day of January, for the billing period of January 1 through December 31 of each calendar year of the Term.

D. Upon execution of this Agreement, LICENSEE shall provide SESAC with a report detailing the Population as of the Effective Date. Thereafter, on or before October 1 of each calendar year, in the event that a change in the Population results in a change in fee category, LICENSEE shall submit an updated report of the Population. License fees will be adjusted effective the following January 1. SESAC retains the right to obtain these figures through United States Census Data and make appropriate adjustments to the license fee.

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E. Notwithstanding anything to the contrary contained in this Agreement, upon written notice to LICENSEE, SESAC shall have the right to adjust the rates set forth in the Fee Schedule. In the event that LICENSEE's License Fee increases as a result of such adjustment to the Fee Schedule, LICENSEE shall have the right to terminate this Agreement as of the date such increase is to take effect. LICENSEE must give SESAC written notice of such termination by certified mail, return receipt requested, not later than thirty (30) days after written notice of such increase is sent to LICENSEE by certified mail. This paragraph shall not apply to paragraph 4.B or 4.D of the Agreement.

III. This Schedule is incorporated and made part of the Agreement. Unless otherwise indicated, all capitalized terms in this Schedule "A" shall have the same meaning as set forth in the Agreement.

Please mail signed license to: SESAC 55 Music Square East Nashville, TN 37203

City of Manchester / 63-28-01001 I.D.# 184769
MAMGLUR/QTXT/SIGNATUR, January 18, 2005

LICENSE AGREEMENT - LOCAL GOVERNMENTAL ENTITIES

Agreement between the American Society of Composers, Authors and Publishers ("ASCAP")

located at

2690 Cumberland Parkway, Suite 490
Atlanta, GA 30339-3913

by City of Manchester, NH

("LICENSEE"), located at

1 City Hall Plaza
Manchester, NH 03101

as follows:

1. Grant and Term of License

(a) ASCAP grants and LICENSEE accepts a license to perform publicly on the "Premises" and at "Events" and "Functions," and not elsewhere or otherwise, non-dramatic renditions of the separate musical compositions in the "ASCAP repertory." The performances licensed under this Agreement may be by means of "Live Entertainment" or "Mechanical Music". For purposes of this Agreement,

(i) "LICENSEE" shall include the named entity and any of its constituent bodies, departments, agencies or leagues.

(ii) "Mechanical Music" means music which is performed at the Premises by means other than by live musicians who are performing at the Premises, including, but not limited to (A) compact disc, audio record or audio tape players (but not including "jukeboxes"), (B) videotape, videodisc or DVD players; (C) the reception and communication at the premises of radio or television transmissions which originate outside the Premises; and which are not exempt under the Copyright Law; or (D) a music-on-hold telephone system operated by LICENSEE at the Premises.

(iii) "Live Entertainment" means music that is performed at the Premises by musicians, singers or other performers.

(iv) "Premises" means buildings, hospitals, airports, zoos, museums, athletic facilities, and recreational facilities, including, but not limited to, community centers, parks, swimming pools, and skating rinks owned or operated by LICENSEE and any site which has been engaged by LICENSEE for use by LICENSEE.

(v) "ASCAP repertory" means all copyrighted musical compositions written or published by ASCAP members or members of affiliated foreign performing rights societies, including compositions written or published during the term of this Agreement and of which ASCAP has the right to license non-dramatic public performances.

(vi) "Events" and "Functions" means any activity conducted, sponsored, or presented by or under the auspices of LICENSEE. Except as set forth in paragraph 2.(d) below, "Events" and "Functions" shall include, but are not limited to, aerobics and exercise classes, athletic events dances and other social events, concerts, festivals, arts and crafts fairs, and parades held under the auspices of or sponsored or promoted by LICENSEE on the Premises.

(vii) "Special Events" means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by LICENSEE for which the "Gross Revenue" of such Special Event exceeds \$25,000 (as defined in paragraph 4.(d) below).

(b) This Agreement shall be for an initial term of one year, commencing 11/01/2004, which shall be considered the effective date of this Agreement, and continuing thereafter for additional terms of one year each. Either party may give notice of termination to the other no later than thirty (30) days prior to the end of the initial or any renewal term. If such notice is given, the agreement shall terminate on the last day of the term in which notice is given.

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2. Limitations On License

(a) This license is not assignable or transferable by operation of law or otherwise. This license does not authorize LICENSEE to grant to others any right to perform publicly in any manner any of the musical compositions licensed under this agreement, nor does it authorize any public performances at any of the Premises in any manner except as expressly herein provided.

(b) This license does not authorize (i) the broadcasting, telecasting or transmission or retransmission by wire, Internet, website or otherwise, of renditions of musical compositions in ASCAP's repertory to persons outside of the Premises, other than by means of a music-on-hold telephone system operated by LICENSEE at the Premises; and (ii) performances by means of background music (such as *Muzak*) or other services delivered to the Premises. Nothing in this paragraph shall be deemed to limit LICENSEE's right to transmit renditions of musical compositions in the ASCAP repertory to those who attend Events or Functions on the Premises by means of teleconferencing, videoconferencing or similar technology.

(c) This license is limited to non-dramatic performances, and does not authorize any dramatic performances. For purposes of this agreement, a dramatic performance shall include, but not be limited to, the following:

- (i) performance of a "dramatico-musical work" (as hereinafter defined) in its entirety;
- (ii) performance of one or more musical compositions from a "dramatico-musical work (as hereinafter defined) accompanied by dialogue, pantomime, dance, stage action, or visual representation of the work from which the music is taken;
- (iii) performance of one or more musical compositions as part of a story or plot, whether accompanied or unaccompanied by dialogue, pantomime, dance, stage action, or visual representation;
- (iv) performance of a concert version of a "dramatico-musical work" (as hereinafter defined).

The term "dramatico-musical work" as used in this Agreement, shall include, but not be limited to, a musical comedy, opera, play with music, revue, or ballet.

(d) This license does not authorize performances:

- (i) at any convention, exposition, trade show, conference, congress, industrial show or similar activity presented by LICENSEE or on the Premises unless it is presented or sponsored solely by and under the auspices of LICENSEE, is presented entirely on LICENSEE'S Premises, and is not open to the general public;
- (ii) by or at colleges and universities;
- (iii) at any professional sports event or game played on the Premises;
- (iv) at any permanently situated theme or amusement park owned or operated by LICENSEE;
- (v) by any symphony or community orchestra;
- (vi) by means of a coin operated phonorecord player (jukebox) for which a license is otherwise available from the Jukebox License Office.

3. License Fee

(a) In consideration of the license granted herein, LICENSEE agrees to pay ASCAP a license fee which includes the total of the "Base License Fee" and any applicable "Special Events License Fees", all of which shall be calculated in accordance with the Rate Schedule attached to and made part of this Agreement. For purposes of this Agreement,

- (i) "Base License Fee" means the annual fee due in accordance with Schedule A of the Rate Schedule and based on LICENSEE's population as established in the most recent published U.S. Census data. It does not include any fees due for Special Events.
- (ii) "Special Events License Fees" mean the amount due in accordance with Schedule B of the Rate Schedule when Special Events are presented by or on behalf of LICENSEE. It does not include any Base License Fees due.
- (iii) LICENSEES who are legally organized as state municipal and/or county leagues or state associations of municipal and/or county attorneys shall be required to pay only the fee under Schedule C of the Rate Schedule. Such leagues or associations are not subject to Schedule A or Schedule B of the Rate Schedule. Fees paid by such leagues or associations do not cover performances of the municipality, county or other local government entity represented by the league or association. Schedule C fees are not applicable to municipal, county or other local government entities.

(b) Unless otherwise limited by law, LICENSEE shall pay a finance charge of 1.5% per month from the due date, or the maximum amount permitted by law, whichever is less, on any required payment that it is not made within thirty days of its due date.

4. Reports and Payments

- (a) Upon the execution of this Agreement, LICENSEE shall submit:
 - (i) a report stating LICENSEE's population based on the most recent published U.S. Census data. The population set forth in the report shall be used to calculate the Base License Fee under this Agreement; and (ii) a report containing the information set forth in paragraph 4.(d) below for all Special Events that were presented between the effective date of this Agreement and the execution of this Agreement.
- (b) The Base License Fee for the first year of this Agreement and any license fees due for Special Events that were presented between the effective date of this Agreement and the execution of this Agreement shall be payable upon the execution of this Agreement.
- (c) Base License Fees for subsequent years shall be due and payable within 30 days of the renewal date of this Agreement and shall be accompanied by a statement confirming whether any Special Events were presented during the previous calendar year.
- (d) Ninety days after the conclusion of each Special Event, LICENSEE shall submit to ASCAP payment for such Special Event and a report in printed or computer readable form stating:
 - (i) the date presented;
 - (ii) the name of the attraction(s) appearing;
 - (iii) the "Gross Revenue" of the event. "Gross Revenue" means all monies received by LICENSEE or on LICENSEE'S behalf from the sale of tickets for each Special Event. If there are no monies from the sale of tickets, "Gross Revenue" shall mean contributions from sponsors or other payments received by LICENSEE for each Special Event;
 - (iv) the license fee due for each Special Event.
- (e) If LICENSEE presents, sponsors or promotes a Special Event that is reportable under Rate Schedule B with another person or entity licensed under an ASCAP License Agreement, LICENSEE shall indicate the name, address, phone number and ASCAP account number of the other person(s) or entity(ies) and the party responsible for payment for such Special Event. If the other party is not licensed by ASCAP, LICENSEE shall pay the license fee due hereunder, notwithstanding any agreement to the contrary between LICENSEE and the other party.
- (f) LICENSEE agrees to furnish to ASCAP, where available, copies of all programs of musical works performed, which are prepared for distribution to the audience or for the use or information of LICENSEE or any department thereof. The programs shall include all encores to the extent possible. LICENSEE shall be under no obligation to furnish programs when they have not been otherwise prepared.
- (g) ASCAP shall have the right to examine LICENSEE'S books and records at LICENSEE's place of business during normal business hours to such extent as may be necessary to verify the reports required by paragraph 4.(d) above. ASCAP shall have the right to adjust LICENSEE's Base License Fee based upon the most recently available revised population figures and Population Estimates Program provided by the U.S. Census Department.

5. Breach or Default

Upon any breach or default by LICENSEE of any term or condition herein contained, ASCAP may terminate this license by giving LICENSEE thirty days notice to cure such breach or default, and in the event that such breach or default has not been cured within said thirty days, this license shall terminate on the expiration of such thirty-day period without further notice from ASCAP. In the event of such termination, ASCAP shall refund on a pro-rata basis to LICENSEE any unearned license fees paid in advance.

6. Interference in Operations

ASCAP shall have the right to terminate this license upon thirty days written notice if there is any major interference with, or substantial increase in the cost of, ASCAP's operations as the result of any law in the state, territory, dependency, possession or political subdivision in which LICENSEE is located which is applicable to the licensing of performing rights. In the event of such termination, ASCAP shall refund to LICENSEE on a pro-rata basis any unearned license fees paid in advance.

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7. Non-Discrimination

LICENSEE recognizes that ASCAP must license all similarly situated users on a non-discriminatory basis. LICENSEE agrees that any modifications to this Agreement by ASCAP, which are required by local, state or federal law for other municipalities, counties and other governmental entities shall not constitute discrimination between similarly situated users. Examples of such modifications are statements of equal employment opportunity or nondiscrimination on the basis of race, creed, color, sex or national origin.

8. Notices

ASCAP or LICENSEE may give any notice required by this Agreement by sending it by certified United States Mail, by generally recognized same-day or overnight delivery service or by electronic transmission (i.e., Mailgram, facsimile or similar transmission) to the appropriate person/office as listed herein. Each party agrees to notify the other of any change in contact information, such as change of address, change of person/office responsible, etc. within 30 days of such change.

IN WITNESS WHEREOF, this Agreement has been duly executed by ASCAP and LICENSEE,
this _____ day of _____, 20 ____

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS

CITY OF MANCHESTER, NH

LICENSEE

by _____

by _____

TITLE

(Fill in capacity in which signed: (a) If corporation, state corporate office held; (b) If partnership, write word "partner" under signature of signing partner; (c) If individual owner, write "individual owner" under signature.)

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American Society of Composers, Authors and Publishers

2690 Cumberland Parkway, Suite 490 Atlanta, GA 30339

INVOICE

Invoice Date: November 11, 2004

City of Manchester, NH
1 City Hall Plaza
Manchester, NH 03101

Re: City of Manchester, NH
Manchester, NH 03101

Billing Period: 11/01/2004 Thru 10/31/2005

Annual Rate: **\$833.00**

Amount Due: **\$833.00**

The only credit cards ASCAP accepts are MasterCard and VISA.

Payment Amount: \$ _____

Check No.: _____ OR

Credit Card No.: _____ Exp. Date: _____ Visa _____ Mastercard _____

Name exactly as on card: _____

Signature: _____

Cardholder acknowledges receipt of goods and/or services in the amount of the total shown hereon and agrees to perform the obligations set forth in the Cardholder's Agreement with the Issuer.

Please return ALL PAGES of signed License Agreement with your payment.

License fees due and payable in advance.

Retain bottom portion for your records.

City of Manchester, NH
1 City Hall Plaza
Manchester, NH 03101

Billing Period: 11/01/2004 Thru 10/31/2005

Annual Rate: **\$833.00**

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Account No.:

2004
ASCAP REPORT FORM
FOR LOCAL GOVERNMENTAL ENTITIES

Licensee: _____ Report Completed By: _____
 Title: _____ Date Completed: _____ Email Address: _____
 Telephone No.: _____ Fax No.: _____ Web Site Address: _____

CERTIFICATE: I hereby certify that the data reported below is true and correct as of this _____ day of _____, 200 _____.

SCHEDULE A - BASE LICENSE FEE (Due upon execution of Agreement and within 30 days of the Agreement's renewal date.)

REPORT YEAR: _____ POPULATION: _____ BASE LICENSE FEE: \$ _____
 (Per current U.S. Census Data) (Please refer to Rate Schedule.)

SCHEDULE B - SPECIAL EVENTS* (Report and payment due 90 days after the conclusion of each special event.)

EVENT DATE (MM/DD/YY) If More than 1 Event Per Day, Please Report as Separate Entries	PERFORMER(S) OR GROUP(S) APPEARING	GROSS REVENUE** OF EVENT (MUST EXCEED \$25,000)	% APPLIED TO GROSS REVENUE	EVENT FEE	IS A PROGRAM OF MUSICAL WORKS ATTACHED Yes or No	IF THE EVENT IS CO-SPONSORED Please identify the Co-sponsor name, address, phone number and ASCAP account number
			x .01	\$		Name: _____ Address: _____ Phone No.: _____ Account No.: _____
			x .01	\$		Name: _____ Address: _____ Phone No.: _____ Account No.: _____
			x .01	\$		Name: _____ Address: _____ Phone No.: _____ Account No.: _____
			x .01	\$		Name: _____ Address: _____ Phone No.: _____ Account No.: _____

*"Special Events" means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by LICENSEE for which the "Gross Revenue" of such Special Event exceeds \$25,000.

***"Gross Revenue" means all monies received by LICENSEE or on LICENSEE'S behalf from the sale of tickets for each Special Event. If there are no monies from the sale of tickets, "Gross Revenue" shall mean contributions from sponsors or other payments received by LICENSEE for each Special Event.

SCHEDULE C - STATE MUNICIPAL AND/OR COUNTY LEAGUES OR STATE ASSOCIATIONS OF ATTORNEYS

REPORT YEAR: _____ ANNUAL LICENSE FEE: **\$260.00** (Due within 30 days of renewal date.)

Total Fees Reported From Any or All of Schedules A, B or C: \$ _____

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**2004 RATE SCHEDULE
FOR LOCAL GOVERNMENTS**

SCHEDULE A Base License Fee

POPULATION			BASE LICENSE FEE
1	-	50,000	\$ 260
50,001	-	75,000	520
75,001	-	100,000	624
100,001	-	125,000	833
125,001	-	150,000	1,041
150,001	-	200,000	1,353
200,001	-	250,000	1,665
250,001	-	300,000	1,978
300,001	-	350,000	2,291
351,001	-	400,000	2,603
400,001	-	450,000	2,915
450,001	-	500,000	3,228
500,001	-	plus	3,956 plus \$500 for each 100,000 of population above 500,000 to a maximum fee of \$52,054.

SCHEDULE B Special Events

The rate for Special Events shall be 1% of Gross Revenue.

"Special Events" means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by LICENSEE for which the "Gross Revenue" of such Special Event exceeds \$25,000.

"Gross Revenue" means all monies received by LICENSEE or on LICENSEE'S behalf from the sale of tickets for each Special Event. If there are no monies from the sale of tickets, "Gross Revenue" shall mean contributions from sponsors or other payments received by LICENSEE for each Special Event.

SCHEDULE C State Municipal and/or County Leagues or State Associations of Attorneys

The annual license fee for LICENSEES who are legally organized as state municipal and/or county leagues or state associations of municipal and/or county attorneys shall be \$260.

License Fee for Year 2005 and Thereafter

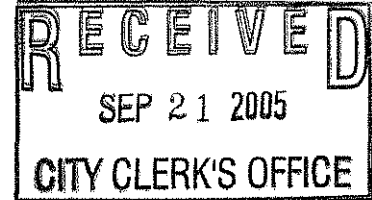
For each calendar year commencing 2005, all dollar figures set forth in Schedules A, B and C above (except for \$500 add-on for populations of 500,001 or more) shall be the license fee for the preceding calendar year, adjusted in accordance with the increase in the Consumer Price Index - All Urban Consumers (CPI-U) between the preceding October and the next preceding October. Any additional license fees due resulting from the CPI adjustment shall be payable upon billing by ASCAP.



**City of Manchester
Welfare Department**

1528 Elm Street
Manchester, NH 03101-1350
(603) 624-6484 FAX (603) 624-6423
www.ci.manchester.nh.us

Paul R. R. Martineau
Commissioner



September 20, 2005

Board of Mayor and Aldermen
c/o City Clerk
One City Hall Plaza
Manchester, N. H. 03101

Dear Members of the Board of Mayor and Aldermen:

I am submitting the enclosed changes to our Welfare Guidelines for your adoption according to RSA 165:1(II). These changes are the result of a negotiated settlement of litigation between New Hampshire Legal Assistance and the City of Manchester.

I am in the process of revising our guidelines with my staff. Upon completion, I will be submitting the updated document for your approval.

Sincerely,


Paul R. R. Martineau
Welfare Commissioner

Enclosure

The General Assistance Guidelines of the City of Manchester shall be amended as follows:

1. Add the following new paragraph B.9 to Section XIV, **Notice of Adverse Action**, to read as follows:
 9. Required compliance with Guidelines. The failure of an applicant and/or recipient to comply with Guideline **VI. C. Responsibilities of Each Applicant and Recipient** in a manner which the applicant and/or recipient cannot correct will not be used for suspending an applicant and/or recipient from eligibility to receive assistance on more than one occasion. Failure of an applicant and/or recipient to comply with the same guideline responsibility(ies) during different periods of time, during which the applicant or recipient is given the opportunity to comply, may be the basis for more than one suspension. Failure to comply with a guideline responsibility(ies) when an applicant and/or recipient is able to do so despite past failures to comply shall also be the basis for more than one suspension.
2. Add the following new subparagraphs immediately following Section VI, paragraph D.2. to read as follows:
 - a. When an applicant/client submits a completed application for assistance with a Notice to Quit for non-payment of rent, prior to the date on which the Notice to Quit expires, the welfare official shall make a reasonable effort to:
 - (1) process the application/request in a manner which, if determined eligible and assistance is granted, would enable the applicant/client to tender a voucher in the amount necessary to defeat eviction by the day the Notice to Quit expires; or
 - (2) obtain a commitment from the landlord that s/he will agree to accept welfare assistance paid on behalf of the applicant/client and will wait for a decision from the Welfare Department and not pursue the eviction unless a specified date following the expiration of the Notice to Quit passes without the landlord receiving a commitment to pay from the department.
 - (3) In no case shall the decision on the application for rental assistance to cure a Notice to Quit for non-payment of rent be issued later than 72 hours from the time of the application or by the date of the expiration of the Notice to Quit, whichever is later.
 - (4) This process does not apply to a client who is presently in the suspension or denial status.
3. Replace Section VI., paragraph B.8. with the following:

The need to relocate to more affordable housing based on the applicant's present and projected verifiable income. Effort will be made to maintain an applicant/client

21
in his/her own housing if it is within the department's rental allowance guidelines, unless it is clear that to do so would probably require an unreasonable period of continuing subsidy from the Welfare Department. In determining whether or not continuing subsidy is warranted the department shall consider, among other relevant factors:

- a. efforts by the client to increase household income or obtain less expensive housing;
- b. the applicant/client's prospects of obtaining other forms of rental assistance;
- c. special consideration will be given to helping an applicant/client residing in federally subsidized housing or other substantially below market rate housing to retain such housing.

22



711 Mast Road, Manchester, NH 03102-1409
Tel: 603-622-2344 • Fax: 603-623-3562

September 26, 2005

Board of Mayor & Aldermen
c/o City Clerks Office
One City Hall Plaza
Manchester NH 03101

Dear Board of Mayor & Aldermen,

Please accept this letter in response to the memo dated 9/14/05 in which we are asked to find an alternative location for the proposed gateway arch on Elm Street.

We respectfully submit that the location initially proposed was given great thought and consideration, and with all due respect, the location is an integral and important component of the project as a whole. The proposed location is unique, and we do not foresee an alternate location having the same appeal, or having the positive elements necessary to make this project feasible.

We respectfully ask that our proposed location remain as proposed for the time being, if and until the ultimate decision is made on this project, as submitted.

Lastly, we also respectfully ask that the communication received from the State of NH Department of Transportation be put aside for the moment due to the fact they have issued an opinion on this project without complete knowledge of the facts. I have not personally been contacted by anyone at the State, nor am I aware they have access to the details and plans of this project, which leads me to believe their opinion is premature.

I ask that our proposal be given due consideration at each level of the process and that it not be denied before it has been given full and thoughtful consideration.

Respectfully Submitted,

JUTRAS SIGNS

Cathy Champagne, President

24

City of Manchester New Hampshire

In the year Two Thousand and Five

A RESOLUTION

"Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Fifty Eight Thousand Five Hundred Eighty Seven Dollars (\$258,587) for the 2004 CIP 210704 Public Health Preparedness Program."

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2004 CIP as contained in the 2004 CIP budget; and

WHEREAS, Table 1 contains all sources of Federal, State and Other funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen desires to accept funding in the amount of \$258,587 from the New Hampshire Department of Health & Human Services Office of Community & Public Health for the implementation of the Public Health Preparedness Program;

NOW, THEREFORE, be it resolved that the 2004 CIP be amended as follows:

By increasing:

FY2004 CIP 210704 Public Health Preparedness Program - \$258,587 State
(From \$1,000,000 State to \$1,258,587 State)

Resolved, that this Resolution shall take effect upon its passage.

City of Manchester New Hampshire

In the year Two Thousand and Five

A RESOLUTION

“Amending the FY2004 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Five Hundred Thousand Dollars (\$500,000) for FY2004 CIP 612504 Old Wellington Road Apartments Project.”

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2004 CIP as contained in the 2004 CIP budget; and

WHEREAS, Table 1 contains all sources of State, Federal and Other funds to be used in the execution of projects; and

WHEREAS, Table 2 contains all sources of Community Development Block Grant, Emergency Shelter Grant, and HOME funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen desires to support the needed development and construction of affordable housing at Old Wellington Road, through a loan to the developer in the amount of \$1,000,000 and;

WHEREAS, existing funds in at least that amount are available from the proceeds of HOME program Revenue, unprogrammed HOME Funds, Affordable Housing Trust Funds and other previously funded CIP Projects;

NOW, THEREFORE, be it resolved that the 2004 CIP be amended as follows:

- 1) **By decreasing:**
Affordable Housing Trust Fund - \$500,000
(From \$888,003 Other to \$388,003 Other)
- 2) **By allocating:**
Unprogrammed HOME Program Funds - \$500,000
(From \$111,997 HOME to \$611,997 HOME)

Resolved, that this Resolution shall take effect upon its passage.

24

City of Manchester New Hampshire

In the year Two Thousand and Five

A RESOLUTION

“Amending the FY 2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for FY2005 CIP 510005 Parks Facilities Improvement Program.”

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2005 CIP as contained in the 2005 CIP budget; and

WHEREAS, Table 4 contains all General Obligations Bonds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen desires to transfer funding in the amount of \$10,000 to support the installation of vertical curbing along the West edge of Circular Drive at Derryfield Park and;

WHEREAS, funds from Public Works Infrastructure in the amount of \$10,000 are available;
NOW, THEREFORE, be it resolved that the 2005 CIP's be amended as follows:

1) By increasing:

FY2005 CIP 510005 – Parks Facilities Improvement Program - \$10,000 Bond
(from \$3,158,471.99 Bond to \$3,168,471.99 Bond)

2) By decreasing:

FY2005 CIP 710205 – Public Works Infrastructure - \$10,000 Bond
(from \$3,020,000 Bond to \$3,010,000 Bond)

Resolved, that this Resolution shall take effect upon its passage.

City of Manchester New Hampshire

24

In the year Two Thousand and Five

A RESOLUTION

“Authorizing the Finance Officer to effect a transfer of Ten Thousand Dollars (\$10,000) for the 2005 CIP 510005 Parks Facilities Improvement Program.”

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

That: Pursuant to RSA 33:33-a there is hereby authorized to be expended for purposes stated in Section 3 of the Municipal Finance Act, the sum of Ten Thousand Dollars from the balance of bonds authorized as follows:

Section 1.

From:

2005 CIP 710205, Public Works Infrastructure

Amount Transferred: \$10,000

Original Resolution Adopted: August 3, 2004

Original Amount: \$1,710,000

To:

2005 CIP 510005 Parks Facilities Improvement Program

Section 2. Resolved, that this Resolution shall take effect upon its passage.

24

City of Manchester New Hampshire

In the year Two Thousand and Five

A RESOLUTION

“Amending the FY 2006 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Seven Thousand Two Hundred Seven Dollars Sixty Seven Cents (\$27,207.67) for FY2006 CIP 411606 2005 Homeland Security Grant Program.”

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2006 CIP as contained in the 2006 CIP budget; and

WHEREAS, Table 1 contains all sources of State, Federal and Other funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen wishes to accept grant funds from the State of New Hampshire Department of Safety to equip and operate a Homeland Security Special Operations Unit;

NOW, THEREFORE, be it resolved that the 2006 CIP be amended as follows:

By adding:

FY2006 411606 – 2005 Homeland Security Grant Program - \$27,207.67 State

Resolved, that this Resolution shall take effect upon its passage.